HOUSE OF REPRESENTATIVES—*Wednesday, May 1, 1991*

The House met at 1 p.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 1, 1991.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We acknowledge, O God, all the voices that call for attention from the many interests in the world, and we hear the cries of pain from those who suffer the injustices of body, mind, or spirit. In the midst of the clamor of voices and the petitions of the helpless and homeless, may we hear Your voice which speaks to us in the depths of our hearts and calls us to wisdom and reason and integrity and honor. May these gifts of life, the gifts that make us human, be with each of us now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FIELDS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FIELDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 288, nays 106, answered "present" 1, not voting 36, as follows:

[Roll No. 73]

YEAS—288

Abercrombie	Flake	McDermott
Ackerman	Foglietta	McEwen
Anderson	Ford (MI)	McGrath
Andrews (ME)	Ford (TN)	McHugh
Andrews (TX)	Frank (MA)	McMillen (MD)
Annunzio	Frost	McNulty
Anthony	Gaydos	Mfume
Applegate	Gejdenson	Miller (CA)
Archer	Gephardt	Mineta
Atkins	Geren	Mink
Bacchus	Gibbons	Moakley
Barnard	Gillmor	Mollohan
Barton	Gilman	Montgomery
Bateman	Glickman	Moody
Beilenson	Gonzalez	Moran
Bennett	Gordon	Morrison
Berman	Gradison	Mrazek
Bilbray	Gray	Murtha
Bonior	Green	Myers
Borski	Guarini	Nagle
Boucher	Gunderson	Natcher
Boxer	Hall (OH)	Neal (MA)
Brewster	Hall (TX)	Neal (NC)
Brooks	Hamilton	Nichols
Broomfield	Hammerschmidt	Nowak
Browder	Hansen	Oakar
Brown	Harris	Oberstar
Bruce	Hatcher	Obey
Bryant	Hayes (IL)	Olin
Bustamante	Hayes (LA)	Ortiz
Byron	Hefner	Owens (NY)
Campbell (CO)	Hertel	Owens (UT)
Cardin	Hoagland	Packard
Carper	Hobson	Pallone
Carr	Hochbrueckner	Panetta
Chapman	Horn	Parker
Clement	Horton	Patterson
Clinger	Houghton	Payne (NJ)
Coleman (TX)	Huckaby	Payne (VA)
Collins (MI)	Hughes	Pease
Combest	Hutto	Pelosi
Condit	Jenkins	Penny
Conyers	Johnson (CT)	Perkins
Cooper	Johnson (SD)	Peterson (FL)
Costello	Johnston	Petri
Cox (IL)	Jones (GA)	Pickett
Coyne	Jones (NC)	Pickle
Cramer	Jontz	Poshard
Cunningham	Kanjorski	Price
Darden	Kaptur	Pursell
de la Garza	Kasich	Quillen
DeFazio	Kennedy	Rahall
DeLauro	Kennelly	Rangel
Dellums	Kildee	Ravenel
Derrick	Kleczka	Ray
Dicks	Klug	Reed
Dixon	Kolter	Richardson
Donnelly	Kopetski	Rinaldo
Dooley	Kostmayer	Ritter
Dorgan (ND)	LaFalce	Roe
Downey	Lancaster	Roemer
Dreier	Lantos	Rose
Durbin	LaRocco	Rostenkowski
Dwyer	Laughlin	Roth
Dymally	Lehman (CA)	Rowland
Early	Lent	Roybal
Eckart	Levin (MI)	Russo
Edwards (CA)	Levine (CA)	Sabo
Edwards (TX)	Lewis (GA)	Sanders
Emerson	Lipinski	Sangmeister
Engel	Lloyd	Sarpalius
English	Long	Savage
Erdreich	Luken	Sawyer
Espy	Manton	Scheuer
Evans	Markey	Schiff
Fascell	Martin	Schulze
Fazio	Martinez	Schumer
Feighan	Matsui	Serrano
Fish	Mazzoli	Sharp
Shaw	Stark	Valentine
Shuster	Stenholm	Vento
Sisisky	Studds	Visclosky
Skaggs	Swett	Volkmer
Skeen	Swift	Walsh
Skelton	Synar	Waters
Slattery	Tallon	Weiss
Slaughter (NY)	Tanner	Wheat
Smith (IA)	Taylor (MS)	Whitten
Smith (NJ)	Thomas (WY)	Williams
Snowe	Thornton	Wise
Solarz	Torres	Wolpe
Solomon	Torricelli	Wyden
Spence	Towns	Wylie
Spratt	Traficant	Yates
Staggers	Traxler	Yatron
Stallings	Unsoeld	Young (FL)

NAYS—106

Allard	Grandy	Porter
Armey	Hancock	Ramstad
Baker	Hastert	Regula
Ballenger	Hefley	Rhodes
Bentley	Henry	Ridge
Bereuter	Herger	Riggs
Bilirakis	Holloway	Roberts
Bliley	Hunter	Rogers
Boehlert	Hyde	Rohrabacher
Boehner	Inhofe	Ros-Lehtinen
Bunning	Ireland	Roukema
Burton	Jacobs	Santorum
Callahan	James	Saxton
Camp	Kolbe	Schaefer
Campbell (CA)	Kyl	Schroeder
Chandler	Lagomarsino	Sensenbrenner
Coble	Leach	Shays
Coleman (MO)	Lewis (CA)	Sikorski
Coughlin	Lewis (FL)	Slaughter (VA)
Cox (CA)	Lightfoot	Smith (OR)
Crane	Lowery (CA)	Smith (TX)
Dannemeyer	Marlenee	Stearns
DeLay	McCandless	Stump
Dickinson	McCrery	Sundquist
Doolittle	McDade	Taylor (NC)
Duncan	McMillan (NC)	Thomas (CA)
Edwards (OK)	Michel	Upton
Fawell	Miller (OH)	Vucanovich
Fields	Miller (WA)	Walker
Franks (CT)	Molinari	Weber
Gallegly	Moorhead	Wolf
Gekas	Morella	Young (AK)
Gilchrest	Murphy	Zeliff
Gingrich	Nussle	Zimmer
Goodling	Oxley	
Goss	Paxon	

ANSWERED "PRESENT"—1

Orton

NOT VOTING—36

Alexander	Hopkins	Meyers
Andrews (NJ)	Hoyer	Peterson (MN)
Aspin	Hubbard	Smith (FL)
AuCoin	Jefferson	Stokes
Barrett	Lehman (FL)	Tauzin
Bevill	Livingston	Thomas (GA)
Clay	Lowey (NY)	Udall
Collins (IL)	Machtley	Vander Jagt
Davis	Mavroules	Washington
Dingell	McCloskey	Waxman
Dornan (CA)	McCollum	Weldon
Gallo	McCurdy	Wilson

□ 1322

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MCNULTY). Will the gentleman from

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

New York [Mr. PAXON] kindly lead the House in the Pledge of Allegiance to the flag.

Mr. PAXON. Led the Pledge of Allgiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TAX FAIRNESS AND CONTROL RESOLUTION

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, this year Tax Freedom Day is May 8, 3 days later than last year. If Congress continues to increase taxes at the recent rate, in 19 years Tax Freedom Day will be on the 4th of July.

So today I rise to urge my colleagues to join me and Senator JOHN MCCAIN in reforming the rules that we work under to protect the American people from overtaxation and fiscal irresponsibility. The legislation that we have introduced today will require a three-fifths supermajority in order to impose new taxes or increase existing taxes.

It should be obvious to everyone by now that raising taxes does not reduce the deficit. Taxes were hiked in 1982, in 1984 and in 1987 and again last year, and in each instance the higher revenues were supposed to reduce the deficit. Yet in every case the deficit rose the following year.

Congress went on a spending spree again last year, and taxpayers are picking up the bill. This legislation will make similar fiscal disasters less likely in the future and yes, keep the Fourth of July free.

RECESSION IS A BIG DEAL

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, last December, Treasury Secretary Nicholas Brady told us that even if we entered a recession it would be no big deal.

Today, 6 months later, we are in a recession and what does the administration say now?

Is it no big deal that the American carmakers have announced first-quarter losses of $2.4 billion, the worst in history?

Is it no big deal that the Japanese will likely control 40 percent of the American car market by the end of the year?

Is it no big deal that in my district, a suburban middle-class district, unemployment is 13 percent?

Mr. Brady, it is a big deal.

People are losing their jobs, their health care, and their hope for a secure future.

Maybe this administration hasn't noticed, but the numbers are staggering, the effects are devastating, and it most certainly is a big deal.

The biggest we're dealing with.

TRIBUTE TO FRANK IKARD

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, I want to join my colleagues today in expressing my deep sense of sadness and personal loss at the death of my longtime friend and former Member of the House, the Honorable Frank Ikard of Texas.

Frank Ikard was a respected and appreciated member of Speaker Sam Rayburn's famous Board of Education where friends and close associates of Mr. Sam's met daily on an informal basis to discuss the important issues of the day. At these meetings, Frank earned the reputation as a hard worker and someone who could always be counted on to offer good advice and a hand of friendship in difficult situations.

Frank's knowledge of the oil and gas industry was legendary, even back then, and upon leaving the House in the early sixties, he became the head of the American Petroleum Institute. In this position he quickly became the principal spokesman of our country's petroleum industry.

The Nation will miss his leadership of and insight into the requirements of a healthy oil and gas industry. Those of us who served with him in the House of Representatives in the 1950's have lost a close friend, and I will miss both his warm friendship and wise counsel.

His wife, Jayne, and his two fine sons have my deepest sympathy in this time of sorrow.

The services for Frank Ikard will be on Friday, May 3 at 11 a.m. at St. John Episcopal Church in Lafayette Square. The interment will be at Arlington.

FRANK IKARD, 1913–91

(Mr. PICKLE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PICKLE. Mr. Speaker, I join with Mr. BROOKS in expressing great sadness that our former colleague, the Honorable Frank Ikard, passed away last evening.

Mr. Ikard was a distinguished member representing the 13th District of Texas. He became a prominent member of the Committee on Ways and Means and was one of the outstanding Congressmen during the Sam Rayburn period.

He resigned from Congress to become president of the American Petroleum Institute, a position he held for over 10 years. Since that time, he has been engaged in the practice of law here in Washington.

He and his wife Jayne have been prominent citizens of our community and leaders in nearly every civic enterprise carried on in the Nation's Capital.

Frank Ikard and I go back to the University of Texas days where he was an outstanding leader on our campus and whose love for our university continued over half a century.

Clearly, Mr. Ikard was one of our Nation's great leaders, and I know our colleagues mourn his passing.

We extend our sympathy to his wife and to his two sons, Frank, Jr., and Bill Ikard.

H.R. 1 IS A QUOTA BILL

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, despite what proponents argue, H.R. 1, the quota bill, will absolutely force businesses on main streets across America to hire employees by quotas to avoid the punishing litigation costs contained in this bill.

Small- and medium-sized businesses cannot afford to have attorneys and personnel directors and employee relations consultants on staff to help them deal with the complex legal language contained in the quota bill.

□ 1330

According to a 1988 Rand Corp. study, the average jury award in employment discrimination cases is $646,000. These type awards will absolutely destroy main street businesses.

The only way to avoid unlimited damage awards like these would be for small-business owners to hire by quotas.

As Americans, we work hard collectively and individually to achieve. H.R. 1 throws aside the ingrained American spirit of hard work and dedication and replaces it with hiring by quotas. If H.R. 1 is approved, Martin Luther King, Jr.'s dream of a color-blind society will be forever forgotten.

Please join me in opposing the establishment of quotas by voting against H.R. 1.

SOVIETS NEED FINANCING TO BUY UNITED STATES GRAIN

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, the cost of having a President with little or no domestic agenda is becoming painfully clear to millions of Americans.

The economic indicators are in and it is now official: The American economy is in full bore recession.

The Bush recession is broad and deep. Consumer spending, business investment, housing, exports, the list goes on, all declined during the first 3 months of 1991. Business failures are up

54 percent over the same time period the year before.

The most troubling aspect of this recession, however, is neither its breadth nor depth. It is that the President and his administration are doing so little to deal with it.

We currently have on the table a request by the Soviet Union to buy 1.5 billion dollars' worth of grain—mostly corn—from American producers. The sale would be a boon to America's farm economy. All the Soviets needed to complete the purchase was some credit financing. Keep in mind that the Soviets have been among the American farmers' best customers and have not defaulted on a single credit sale we have made to them in the past.

Yet the White House has dragged its feet. On Monday, the President allowed that he did not see how he could approve such a request.

It is becoming clear, Mr. Speaker, that not only does the Bush administration not have a plan to jump start this economy, it does not even recognize an opportunity when it walks right in the front door.

I urge the President to approve the extension of credit, not only because it is justified on its own merits but because it is an opportunity to secure—for the long term—a tremendous market for American farm products which will only grow larger in the years ahead.

BRADY BILL IS INSIDIOUS THREAT

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, the Brady bill is one of the most insidious threats to sportsmen, to gun owners, and to the Constitution that has been crafted.

Basically it says when you buy a firearm you will consult with your chief of law enforcement.

Every citizen in the United States of America need ask but one question: Do I really want to ask L.A.P.D. Daryl Gates and his "gang of four" for a permit to buy a firearm? Do I really want to ask Marion Barry and his gang if I can have a permit to buy a firearm?

That convoluted reasoning, that potential for abuse and disarming, is exactly why the second amendment to the Constitution was put into place.

If you profess to control violence by violating the second amendment, perhaps we should look at the first amendment. Maybe we better outlaw the violence that is being packaged and promoted and sold over TV every hour of every day.

GUN CONTROL FOR WHOM?

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, here we go again; the House is soon going to be asked to consider Federal gun control legislation. We are being told by control advocates that H.R. 7 will put a stop to crime in the streets. Will it? H.R. 7 will have no effect on the high crime areas like New York City, Washington, DC, Chicago, and Los Angeles.

Mr. Speaker, H.R. 7 will not apply to these areas as they already have a waiting period or a permit system in place with background checks or have already banned handguns and are exempt under the provision of H.R. 7. In fact, New York City and Washington, DC, have the toughest gun control laws in the country.

Mr. Speaker, H.R. 7 will require a 7-day waiting period in Cody, WY; Bangor, ME; Platte, NE; and Dodge City, KS. Are these the high crime areas gun control advocates are targeting? I was not aware that these cities were high crime areas.

It is time the record was set straight about what H.R. 7 will and will not do. H.R. 7 does not even require a background check, like the Staggers bill, only a waiting period. It does absolutely nothing to aid the high crime areas like New York City and Washington, DC. The only thing H.R. 7 does is trample the rights of law-abiding citizens in areas of our country that do not have a high crime problem to begin with.

Mr. Speaker, I would hope that one day those who are so eager to step on the rights of law-abiding citizens will join with those of us who think the criminals in our society have too many rights.

H.R. 5: NOTHING BUT A NEW TOOL TO GARNER UNION DUES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, just like many of my colleagues, I do not like being threatened. That is why I am quite alarmed at the opportunity that various members of big labor have taken to intimidate Congress.

The Teamsters and the International Association of Machinists have both gone on record to say that they will not give one penny to any Member of Congress who doesn't vote their way on H.R. 5, a bill to permanently prohibit employers from hiring permanent replacements for striking workers.

The Communication Workers of America will be voting at their June convention on whether or not to take the same course of action. Their President has already said that, "A politician who opposes us on this is doing so at this own risk."

It has been said that "to be forewarned is to be forearmed." This should be a three-bell alarm to my colleagues to join the fight opposing H.R. 5, an unfair and dangerous piece of legislation.

PLATINUM PARACHUTE, PART TWO

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, we all know what a golden parachute is. It is one of those generous compensation packages which is given to an employee at his or her severance or retirement.

A platinum parachute is a golden parachute taken to the 20th power. In the case of Mr. David O. Maxwell, his platinum parachute is worth no less than $27 million.

Most of us have never heard of David O. Maxwell. We have heard of President George Bush, and Mr. Bush makes 1 percent of Mr. Maxwell's parachute, and of Gen. Norman Schwarzkopf who makes but one-half of 1 percent of Maxwell's heist.

David Maxwell is the retiring Chairman of the Federal National Mortgage Association—Fannie Mae. It happens to be a federally chartered, though not a strictly Federal agency. Fannie Mae does borrow money cheaply, using the Federal guarantees of full faith and credit; so it carries a Federal banner.

It happens that this $27 million is Mr. Maxwell's going-away present. Because of the Federal connection, I think this is more than just obscenely generous. I think this is an outrage.

I am, therefore, very pleased to report that Chairman HENRY GONZALEZ will have a hearing on this compensation package and all other such compensation packages. The Federal taxpayers deserve no less than a full airing of this platinum parachute.

FAST-TRACK AUTHORITY

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, if we are to remain the leading economic power in the world, it is absolutely essential that we gain access to new markets for U.S. goods and services. That is why the upcoming vote on fast-track authority is so critical for our Nation.

Our vote on fast track is not a vote on a United States-Mexico free-trade agreement or a vote on a GATT agreement. Any free-trade accord with Mexico will not be completed until next year and a GATT agreement is at least a year away. Our vote on fast track simply gives the President the authority to negotiate a free-trade agreement

with Mexcio and continue GATT negotiations at the Uruguay round. Without fast track, the President cannot assure our negotiating partners that the deal they strike is the deal that will be voted on by Congress.

Mr. Speaker, I support free trade, but I also have concerns about the effects these agreements will have on American jobs and farm products. However, there will be time after each agreement is negotiated to debate its effect on our economy. Opponents of both the United States-Mexico Free-Trade Agreement and the GATT negotiations know that if they deny the President fast-track authority, they effectively end these negotiations. These negotiations are vital for future economic growth at home and our national security interests worldwide. I urge my colleagues to support fast-track authority.

□ 1340

FREE RIDE FOR MEXICO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the President wants another free-trade agreement, this time with Mexico, on a fast track, no less.

Mr. Speaker, the only free thing about this deal will be a free ride for Mexico and Mexican workers, and the only thing fast about it will be a fast track for the American worker, speeding to another unemployment line.

Now, I want Members to think for 1 minute, if all this so-called free trade was so good, why does Japan not use it? If free trade works so great, why does Japan not use it?

It is time now for this Congress to take care of the American worker. This is not a free-trade agreement. If a person buys more than they sell, they go bankrupt.

Mr. Speaker, take a look at our trade deals. They are causing the United States to go bankrupt.

VIRGINIA'S INSTANTANEOUS FELON IDENTIFICATION CHECK

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, next week we have the most important vote on the second amendment that most Members will take during our careers. The concept of Brady and Staggers are the same. That is, to keep handguns from the hands of criminals.

However, that is where the similarity ends. The question is, which process accomplishes the concept? First, of all, if we look at waiting periods around the country, California has a 15-day waiting period. Since its inception, the homicide rate has risen 126 percent, more than double the national average. New York, which has one of the toughest gun control statutes in the country, has more murders than 23 States combined.

Let Members look at what has happened in Virginia. Since 1989 when they instituted an instantaneous verification program, the telephone check in that particular State has averaged 2 minutes. Eighty-two thousand transactions have been processed; 1.6 were disapproved. Thirty-two fugitives were apprehended. It is a system that works. It is a system that is wanted by local law enforcement. It is a system we should support next week.

JIM ROEMER HAS BROUGHT CHRISTMAS IN APRIL TO SOUTH BEND

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, last week I spoke in the House of Representatives and recognized an extraordinary project, Christmas in April. I mentioned that since its inception in 1983, Christmas in April has helped more than 24,000 low-income, elderly, and handicapped homeowners by restoring their homes.

I also mentioned that the tools for home restoration are provided through community contributions and that the work is done by volunteers.

But last week, I failed to mention the one person who has made Christmas in April a reality in South Bend. That person is my father, Jim Roemer.

Several years ago, Jim Roemer had an idea. He saw Christmas in April working in communities across the United States. And he imagined South Bend families benefiting from such a project. He imagined giving low-income and elderly residents a chance to take pride in their homes again.

So Jim Roemer gathered a group of interested individuals and worked behind the scenes, steadily and quietly. He raised funds, garnered support from the local housing bureau and from South Bend business leaders, and assembled volunteers.

Formidable obstacles crossed his path, but Jim Roemer never doubted that Christmas in April would come to South Bend.

In 1989, it did. That year, Christmas in April renovated 47 houses. And one Saturday each April since then, an army of volunteers—students, concerned citizens, laborers, and business executives—equipped with hammers, nails, and paint, comes together to beautify South Bend neighborhoods.

After only a few years, Christmas in April has become an esteemed institution in South Bend. Christmas in April has made South Bend a more beautiful place to live, and given needy residents a chance to live in safer, more attractive homes.

All of this has been possible because of Jim Roemer. Today I just want to say thank you, Dad. You have enriched and touched the lives of others as you have my own.

TIME EQUALS VIOLENCE

(Mr. KYL asked and was given permission to address the House for 1 minute.)

Mr. KYL. Mr. Speaker, in the last few days the FBI released its UCR Preliminary Statistics for Crime in 1990. Guess what? Crime is up by 10 percent. To give Members an idea of what this means, I would like to cite a few crime statistics from 1989.

In 1989, 21,500 murder and nonnegligent manslaughters were reported to police. This equates into one murder/manslaughter every 24 minutes. In 1989, 94,500 rapes were reported to police. This equates to one rape every 6 minutes. Unfortunately, many rapes go unreported to police. A national crime survey conducted by the Bureau of Justice Statistics estimates that over 135,000 rapes were committed in 1989.

In 1989, 951,710 aggravated assaults were reported to police. This equates to one aggravated assault every 33 seconds. The same report estimates that 1,655,000 aggravated assaults actually occurred.

Mr. Speaker, I urge my colleagues to act on the President's crime bill, H.R. 1400. It has been over 50 days since the President challenged Congress to act on his bill in 100 days. As the President noted, the air-ground war against Iraq took only 100 hours. Surely a problem as serious as crime could be addressed in 100 days. These statistics are a frightening reminder that time equals violence.

SAVE THE DAIRY FARMERS

(Mr. SANDERS asked and was given permission to address the House for 1 minute.)

Mr. SANDERS. Mr. Speaker, I rise today to urge that Congress act swiftly and forcefully to save the dairy farmers of this country who are, today, being forced off the land.

During the last 5 years, 500,000 family farmers have lost their farms as the production and distribution of food increasingly rests with huge agribusiness corporations. Meanwhile, 30,000 children a day starve to death in the Third World, and a recent study reported 5.5 million of our own children go hungry daily, a national disgrace. While farmers are squeezed off the land and children go hungry, the profits of the agribusiness corporations soar.

During the last 9 months, in my own State of Vermont, dairy farmers have

seen an approximate 30-percent reduction in the price they receive for their milk—and the story is the same throughout the country. Meanwhile, the consumer is paying virtually the same price for dairy products at the grocery store.

Mr. Speaker, if we do not want food production in this country to rest in the hands of a few giant agribusiness corporations and if, at the same time, we want to feed the hungry children, we need a new dairy policy—a two-tier policy which provides farmers a fair and stable price for their product, and, at the same time, prevents overproduction. This policy will not only sustain the family farm, but it will save the taxpayers money by eliminating much of the Federal subsidy for agriculture. Congress must move forward on this issue.

SUPPORT FAST TRACK

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of fast track negotiator authority for the President. In my opinion, this vote will be the most important vote any Member casts this session, on economic growth, on the economic future of own Nation, on the economic future of the international community. There have been many legitimate concerns raised in recent weeks about jobs, environmental issues, and employment protections, particularly in regard to the United States and Mexican negotiations.

Today, in your office, Members have a response from the administration on these issues, and I think Members will see that that response demonstrates not only what dramatic new commitments to economic growth and environment and employment protections Mexico has made in the 1980's and the enormous opportunity for Mexico and the United States through the negotiation.

Members will also see that negotiations do not wipe away problems between Nations, and do not bury those problems. They merely structure their resolution, and thereby create increasingly open markets, increasingly greater trade opportunities, between the United States and those nations who should be in the front of her concern, her neighbors.

I ask your support of that negotiating authority, and look forward to the dialog between Members in the coming weeks.

SUPPORT THE BRADY BILL

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, I rise in support of the Brady bill. Like my colleagues, I have been deluged with opposition letters and phone calls, painting all kinds of dire consequences from passage of the Brady bill.

As a result, I have gone back and read every line of the Brady bill. I must say it passes the test of common sense. It is well crafted and a very carefully drawn up bill.

It also passes, in my own district, the test of public opinion. Two different polls in my district have shown 88 percent of my constituents support the Brady bill.

Now the Staggers bill is being advocated as an alternative by the NRA to the Brady bill. I find it staggering that the NRA would support the Staggers bill which effectively would set up a nationwide system for every gun purchaser in America, would have to register his name and address on a national register.

□ 1350

Talk about the conspiracy theory that the NRA is always advocating, this would give the Government the name and address of every purchaser in America.

Support the Brady bill.

IN SUPPORT OF THE BRADY BILL

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of a bill that has become one of the most contentious I have seen: the Brady bill.

Rarely have I witnessed a case where emotions have so outdistanced fact and rationality. The opponents would have us believe this to be a constitutional Armageddon. Mr. Speaker, this is simply a matter of common sense, and common sense tells us that, "anyone who needs a gun 'right now!' needs a waiting period!"

Common sense is a waiting period to stop the ex-convict, or the mentally incompetent, from simply crossing a State line, putting his cash on the table, and walking away with a handgun.

Common sense is a waiting period to stop the flash of temper or moment of heated passion from driving a person over the edge, to handgun violence.

Common sense is giving local law enforcement—our men and women in blue, in the field—7 days in which to determine if someone is allowed by law to purchase a handgun. In my own State of New Jersey, a background check has stopped more than 18,000 purchases, and resulted in more than 10,000 arrests. This law has been in effect for 20 years, and I have seen no evidence that it has led to infringement of constitutional guarantees. The Constitution stands and sportsmen are still getting their guns.

A waiting period is simply common sense: "Any one who needs a gun 'right now!' needs a waiting period!"—period.

I urge every one of my colleagues to hold those thoughts in mind as we take up debate on this legislation, and vote to pass the Brady bill.

TIME FOR NEW SENSITIVITY TOWARD AUTOMOBILE INDUSTRY

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, historically the American automobile industry has argued that stricter regulations on safety, fuel efficiency, and auto emissions could sink the industry. Many of us in the Congress have thought with some justification that the industry was crying wolf and that it would be able to comply with regulations protecting the health and safety of Americans.

The fact of the matter is, Mr. Speaker, that the American automobile industry is sinking. For the first quarter of this year, the Big Three will lose nearly $3 billion.

Mr. Speaker, I do not think this is the time to weaken fuel efficiency or auto emission or safety standards. But it is time for a new sensitivity by Members of Congress toward the automobile industry.

Lee Iacocca told me and 40 of my colleagues who visited Detroit last week that he did not even know if we would have an automobile industry in this country in 10 years. My trip to Detroit shocked and terrified me and it outraged me at the failure of the Japanese to open their markets to American products, especially American automobiles.

Mr. Speaker, this is what I remember about the trip to Detroit, "it takes us a year to sell as many cars in Japan as it takes the Japanese to sell in this country in 48 hours." America's auto makers and related industries provide 1 in 7 jobs in this country. Now it's time we find ways of helping them while making sure that America's automobiles are the cleanest, the safest, and the most efficient in the world.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, today the President released his response to the letter that was sent to him by Chairman ROSTENKOWSKI and Chairman BENTSEN with regard to the negotiations on the North American Free-Trade Agreement, or NAFTA.

This response is in the office of every Member today and I hope the Members will take the time to look at it, to read it and to study it. It outlines the areas of cooperation and the areas of negotiations that we are going to be talking with the Mexicans about in the months ahead, both in the free trade agreement negotiations and also in parallel talks on such things as the environment and workers' rights and other issues.

It clearly shows the level of cooperation that we have already achieved in some of these areas. It clearly shows the areas that we still have a lot to be done.

For those who have not had a chance to focus on the issue of the North American Free-Trade Agreement, I think you will find this a real eye-opener in terms of the kind of information and the kinds of issues that have to be addressed.

If we are going to continue our progress with Mexico, we must support the fast-track process. It is, as my colleague from Connecticut said, one of the more important votes, if not the most important vote we will pass this year, because it says how we will view ourselves as a nation.

We should not now turn our back on trade with other nations and certainly not with Mexico. We cannot expect cooperation from our sourthern neighbor if we are not willing to address the issues of trade.

I hope my colleagues will read this and support fast-track.

IN SUPPORT OF THE BRADY BILL

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, I rise in support of H.R. 7, the Brady bill, and in opposition to the Staggers bill that would mandate instantaneous background checks in every State within 60 days.

The Commonwealth of Virginia is offered as the model system for this legislation. While it is true that Virginia has one of the most successful gun control systems in our country, it is not the model that ought to justify the Staggers bill.

Our telephone system has conducted over 65,000 background checks on handgun and firearms purchases in its first year alone and has denied over 1,100 felons at a modest cost of only $310,000. That is the good news, Mr. Speaker, but the bad news is that the success of the Virginia system did not come easy and cannot be replicated on nationwide level in 60 days, as provided in the Staggers bill.

In Virginia, we have had computerized criminal records since 1966 and it still took us more than 6 months to implement an instantaneous background check system.

The Staggers bill would force the Attorney General to computerize over 8.8 million records still in manual form and implement a nationwide background check system in a much smaller timetable.

Mr. Speaker, we will address other aspects of the Virginia system and why it is not the model we ought to apply to the Staggers bill as the days go on leading up to this legislation.

THE COURAGEOUS PEOPLE OF KANSAS REBUILD FOR ANOTHER DAY

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, I have just returned from my second trip in 4 days to my district in Kansas where we had a tragic episode—a killer tornado that took the lives of 23 people and injured nearly 200 more.

As I flew by helicopter over the area, we surveyed the path. The mobile home park looked like a nuclear disaster. Everywhere the awesome force of nature was apparent. Homes and buildings ripped apart. Farms leveled. Cars and trucks tossed and wrecked.

On foot I talked personally with the survivors in Andover and others in Butler and Cowley, and Sedgwick Counties. They told heart rending tales of searching for loved ones, of finding neighbors dead and of thankfulness they were still alive.

Above it all the courage of our Kansas people stands out. They are all working together to rebuild for another day.

□ 1400

GIVE PRESIDENT BUSH FAST-TRACK AUTHORITY

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, a successful free-trade agreement with Mexico is vital for this Nation's economic recovery.

Last year, almost 90 percent of U.S. economic growth resulted from exports.

And exports have accounted for over one-third of U.S. economic growth in the last 5 years.

Nearly 7 million U.S. jobs are export related.

And 1 of every 3 U.S. farm acres is planted with crops to be sold overseas.

To get out of the current recession we need a successful free-trade agreement with Mexico.

And to get that agreement, it is essential that Congress support the President's request for an unencumbered extension of his fast-track authority for negotiating trade agreements.

If Congress disapproves fast track, it will be responsible for hindering one of our Nation's best opportunities to jump start the American economy and end the recession.

That would be a terrible loss for American workers, businesses, and farmers.

Let us not blow that opportunity, Mr. Speaker.

Let us give President Bush fast-track authority.

LEGISLATION PREVENTING CRIMINALS FROM OBTAINING HANDGUNS

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, let me set the record straight. The vast majority of criminals in America do not obtain their weapons through a licensed gun dealer. According to a Department of Justice study only one out of every six incarcerated felons bought their guns through a licensed gun dealer.

The goal of preventing criminals from obtaining handguns is a worthwhile objective. That is why you should support my alternative to the Brady concept. Only my alternative will mandate a criminal background check on every purchase. The Brady bill does not require any criminal background check on a prospective handgun purchaser. Rather, H.R. 7 leaves the decisions to do a check up to the local police officers or individuals who have neither the resources nor the time to check every purchase.

The system I am proposing will use existing technology much like credit card purchases used by stores and restaurants to instantly check whether a credit card purchase is valid or not. My proposal would require gun dealers to call a toll-free number at the Department of Justice to obtain an instant background check on the prospective purchaser. The information conveyed would indicate only if the purchaser is approved or disapproved, would be verified by means of a unique transaction number.

As the Department of Justice has testified, any criminal history background check is dependent upon the integrity of the criminal history records. The need to update and automate these records is being addressed through a comprehensive Department of Justice program.

Mr. Speaker, my bill would do that, and that is why Members should support my proposal.

JAPANESE STORE AUTOS TO UNDERMINE AMERICAN MARKET

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, Americans should be alert to the latest strategy of Japanese automakers. They are storing up Japanese cars in any storage lot available in the United States so they can dump those cars at a critical time in our market. The Japanese objective, of course, is to bankrupt the American car industry.

NBC News reported that foreign carmakers have 50 percent of the United States car market, with 42 percent of the total being Japanese cars. The American car profit figures are grim. Yesterday the Ford Motor Co. reported a loss of $880 million; GM reported a $1.2 billion loss, and Chrysler $598 million for the last quarter.

The Japanese strategy to bankrupt the American industry is obvious. Nearly a decade ago, Japan literally destroyed our machine tool industry in the same way, warehousing machine tools here—and then dumping them so the United States manufacturer could not compete pricewise. Every red-blooded American should protest the Japanese strategy to everyone in a position to put a stop to this campaign. Hundreds of thousands of jobs are at stake.

Henry Ford would roll over in his grave if he could see that the United States Government is allowing this Japanese conspiracy to destroy the American auto industry.

SUBCONTRACTOR PAYMENT PROTECTION ACT

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, for 23 years I was a small businessman sometimes doing business with defense companies. As a small business subcontractor, on some occasions the prime contractors did not pay me. So I have introduced H.R. 2112 to support defense subcontractors in their efforts to obtain timely payments from prime contractors when delinquent. For years I have received complaints from numerous subcontractors having trouble obtaining payment from prime contractors under Department of Defense contracts. This is a serious problem which is causing subcontractors to have cash flow problems, causing some, in some cases, to declare bankruptcy. My bill, the Defense Subcontractor Payment Protection Act, will address this problem by requiring prime contractors to notify their subcontractors when they are applying for progress payments and final payments. It requires the Department of Defense to make information available to the subcontractor about payments to the prime contractors. It would also require the prime contractor, when applying for progress payments, to certify that they are not delinquent in payments to the subcontractors.

H.R. 2112 requires the General Accounting Office to conduct a study on the payment problems. So I want to notify prime contractors that this bill is necessary to correct abuses which have taken place under many DOD contracts.

I urge my colleagues to give strong consideration to this legislation.

AMERICANS OPPOSE QUOTAS IN H.R. 1

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the American people overwhelmingly oppose the imposition of racial, sexual, ethnic, or religious quotas in the work place. But "de facto" quotas will result if this House enacts H.R. 1.

Proponents of H.R. 1 have not told this body that the American people also strongly oppose the new punitive damages section of this legislation which will result in a litigation nightmare.

A Penn-Schoen poll commissioned last August revealed that most Americans, 54 percent, feel job discrimination cases are better decided through an administrative process, rather than a court trial. In particular, 7 in 10, 70 percent, Americans say compensation in discrimination cases should remain based on lost wages and benefits, not unlimited damages as would be the case if such cases went to trial.

Join me and the American people in opposing quotas contained with H.R. 1 and the creation of a legal nightmare.

STATES SHOULD PARTICIPATE IN DECISIONS REGARDING HAZARDOUS WASTE DISPOSAL

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, do you think that you or anybody else in this Chamber should have a right to decide about whether or not garbage or hazardous waste should be shipped into your State? Do you think States should have rights in this matter?

Well, right now they do not have a say in it whatsoever. Anybody can ship anything they want into any of your States, and you do not have anything to say about it. That is because of the interstate commerce clause in the Constitution.

It is tough enough now for local communities to be able to establish landfills to take care of their own needs. And I think what we should do, we should be setting up a grant program to help States and local communities to be able to fund incineration processes.

You know, it is a shame that in this country, with all of the great technology that we have, all of the great technology, that we are still using neanderthal methods with which to get rid of our garbage.

We dig holes, we throw it in, then we bury it again. It seems to me we should make those changes. H.R. 592 circumvents and allows, by virtue of the Supreme Court, or would say that local communities and States would have the right to make a determination whether they want it. People should have that right.

□ 1410

SUPPORT URGED FOR ADMINISTRATION'S CRIME BILL

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, the gentleman from Arizona indicated that violent crime has increased by 10 percent, the largest increase since 1986. One of government's primary responsibilities is, as Thomas Jefferson indicated, "to restrain men from injuring one another."

Our Government is failing in discharging that primary responsibility. There is a remedy, and the remedy lies in the Committee on the Judiciary of the House. It is H.R. 1400, sponsored by the gentleman from Illinois [Mr. MICHEL], the minority leader, and it represents the best work of the White House to address this problem.

The bill provides a constitutional death penalty for those who commit the most heinous forms of murder. It provides for habeas corpus reform so that repeat double murderers like Robert Halton Harris will not be bouncing around the judicial system for over 11 years. It provides for exclusionary rule reform, which precludes people from getting off on technicalities, and it will provide increased penalties for gang and juvenile offenders and child molesters.

This is an important bill, Mr. Speaker. It will advance the public safety, and I urge my colleagues in the Committee on the Judiciary to act on it expeditiously and to report it out favorably.

SUPPORT FOR H.R. 1277

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I am a cosponsor, a sponsor of the bill H.R. 1277, which would increase the personal exemption for children under the age of 18 from the current $2,050 to $3,500.

Mr. Speaker, the family is under attack today like few other times in the history of our country. Child abuse is up. Spouse abuse is up. Teenage suicide is up. All these indicators are all going the wrong way.

We now have 95 Members of the House, Republicans and Democrats, that are cosponsoring this legislation. When the Ways and Means Committee handles legislation, very seldom do you find anyone there other than asking something for a special interest. Here is an opportunity to help the American family.

I would ask Members of the Congress and the House to cosponsor this bill when asked and given an opportunity. It will do more to help the American family than perhaps any other bill this Congress has handled in a long time.

IN FAVOR OF FAST-TRACK NEGOTIATING AUTHORITY

(Mr. GRANDY asked and was given permission to address the House for 1 minute.)

Mr. GRANDY. Mr. Speaker, I rise today to lend my support and that of my constituents to that growing bipartisan consensus in this House that is in favor of fast-track negotiating authority and the negotiations of North American free-trade agreements with Mexico. But I want to take this opportunity today to highlight some of the agricultural trade opportunities with Mexico and indicate how beneficial this is for the agricultural sector of our economy.

Mexican agricultural trade with the United States nearly doubled between 1982 and 1988. United States-Mexican agricultural trade increased at an average annual rate of 11.6 percent, and during that time, the average annual agricultural growth rate for the entire country was only 2.2 percent in worldwide agriculture trade.

United States farm exports to Mexico totaled over $2.7 billion in 1989. After Canada and Japan, Mexico is our third largest trading partner, and growing.

But, Mr. Speaker, I also want to stress that we have under present negotiations authority with Canada, under our free-trade agreement with Canada, extraordinary procedures to address unfair trading practices. Right now the United States Trade Representative has one going against Canadian pork exports. They say today in the document that has been referenced by the gentleman from New Mexico [Mr. RICHARDSON], and the gentleman from Arizona [Mr. KOLBE], that even stronger transition measures for fruits and vegetables will apply to agriculture and a United States-Canada-Mexican free-trade agreement.

We should allow these negotiations to go forward.

SUPPORT OF THE STAGGERS BILL

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, I rise in support today of the Staggers bill. The intent of both the Brady bill and the Staggers bill is to keep guns out of the hands of criminals, and I am certain advocates on both sides of this issue agree on that goal.

The argument should be which bill accomplishes that goal the best, and I believe that the Staggers bill is the correct one.

If the intent of the Brady bill is to take guns out of criminals' hands, then why does H.R. 7 provide for an optional but not a mandatory background check by State and local law enforcement agencies on any citizen attempting to purchase a handgun? If the cool-down period is so effective, why does the legislation exempt States from the 7-day waiting period if they currently have an instantaneous check system?

Mr. Speaker, the bottom line is that the waiting period the bill proposes will affect only law-abiding citizens. Can anyone stand here in the well of the House and realistically claim that a waiting period will deter criminals, criminals who obtain arms through nonlegal means?

To become a Member of this House, we have each taken an oath of office which states: "I do solemnly swear that I will bear true faith and allegiance to the Constitution."

Mr. Speaker, I urge my colleagues to uphold their oath and to support the Staggers bill.

THREE AREAS OF CONCERN ON FAST TRACK

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, our colleagues, LLOYD BENTSEN and DAN ROSTENKOWSKI, sent a very thoughtful letter to President Bush raising some important questions about the fast-track authority for the North American Free-Trade Agreement, and those questions centered around three particular areas: agriculture, the environment, and labor.

Well, as several of my colleagues have pointed out here today, Mr. Speaker, we have seen a voluminous response. And President Bush and Ambassador Hills have stepped forward and provided us with an indepth analysis as to how we will deal with all three of these and other areas of concern.

I would like to encourage our colleagues to look at that proposal, the response the President provided, and I am convinced that it addresses every single one of them adequately.

Over the next several weeks we are going to be doing a wide range of special orders and have many discussions about this free trade agreement. It is clearly in the best interest of the United States of America; both labor and agriculture and environmental interests should be supportive of this. And I believe that when you look at the President's response, we will be able to gain that kind of support.

INCREASED TAXES SEEN AS CAUSE OF CURRENT RECESSION

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, a number of our Democratic colleagues have come to the floor today talking about the recession. It was interesting to listen to them because recently a group of economists were asked when the recession began, and they came up with an interesting date. They said the recession began in July.

That is an interesting point because it goes to the figures. There is indeed a lot of evidence that it did begin in July, but the question is why. That was before the invasion of Kuwait, and that was before oil costs went up. What came about in July or just before July that would cause the economy to plunge? Taxes.

It was in June, the end of June, that the Democrats in this House convinced the President to walk out in the White House yard and say we were going to raise taxes. That decision led to an economic downturn. It led to economic decisions that forced us into a recession.

Mr. Speaker, raising taxes does have consequences. Taxes lead to a weakened economy, and innocent Americans lose their jobs. That is what happened here, and it is a doggone shame.

□ 1420

DON'T LIMIT RIGHTS OF HONEST CITIZENS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, most Americans know that violent crime is on the increase. It increased 10 percent last year. New York City experienced the highest increase in murders, at 18 percent. Murders increased in Los Angeles by 12 percent, in Chicago by 15 percent, in Philadelphia by 6 percent. Will it increase another 10 percent next year?

The real question that America should be asking is what is Congress

going to do about it? Mr. Speaker, we need tough new anticrime measures, the ones that are found in the President's anticrime bill, H.R. 1400. We need the death penalty, habeas corpus reform, exclusionary rule reform, and tougher penalties for the illegal use of firearms, for sexual offenders, and for gang and juvenile offenders. All of these are contained in H.R. 1400.

Congress has yet to act, yet the mayhem goes on and on. How long will we continue to let the criminals rule the streets, while instead we argue over controlling the behavior of honest citizens, which is the intention of the Brady bill. Do not attack the criminals, let us regulate the honest citizen's right to keep and bear arms.

Let us quit kidding the public. Let us start attacking the criminals. Leave the honest citizens their right to keep and bear arms.

COMPREHENSIVE CRIME BILL LONG OVERDUE

(Mr. MCEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCEWEN. Mr. Speaker, on March 11, 1991, President Bush announced his anticrime package. That bill was introduced by our distinguished minority leader, the gentleman from Illinois [Mr. MICHEL], H.R. 1400. Several titles in the bill address the same subject as the violent crime proposal transmitted to Congress in the 101st Congress.

The bill establishes constitutionally sound procedures and adequate standards for imposing the Federal death penalty for certain heinous acts.

The bill proposes reforms to curb the abuse of habeas corpus by Federal and State prisoners. The bill establishes a good faith exception to the exclusionary rule; clarifies that Federal law does not require the exclusion of evidence obtained in good faith circumstances; and renders the exclusionary rule inapplicable to seizures by Federal officers of firearms which are used as evidence against dangerous offenders.

The bill contains various provisions to strengthen Federal firearms laws, including increased penalties for obstruction of justice, addresses gangs and juvenile offenders, sexual violence, child abuse, drug testing, and terrorism.

Mr. Speaker, I would say that such a comprehensive crime bill is long overdue, and now, after two Congresses of inaction by this body, I urge them to quit complaining about the President and start considering his legislation.

PROVIDING FOR CONSIDERATION OF H.R. 1455, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1991

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 136 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 136

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for the intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence, the bill shall be considered for amendment under the five-minute rule, by title instead of by section, and each title shall be considered as having been read. The amendments recommended by the Permanent Select Committee on Intelligence now printed in the bill shall be considered as having been adopted and shall become original text for the purpose of further amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. MCEWEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

Mr. Speaker, today we consider the fiscal year 1991 intelligence authorization bill—more than half way into the current fiscal year.

Unfortunately, last year's bill was pocket vetoed by the President over issues of tough congressional oversight. These provisions embodied much needed reforms that grew out of the devastating consequences of the Iran-Contra affair. They had been drafted by the Intelligence Committee with care and consideration over a period of time.

These are provisions which I strongly supported. And the intelligence bill itself was approved by voice vote last November.

The House Intelligence Committee has sought to reach agreement on an acceptable approach, but unfortunately the White House has not been forthcoming.

I will continue to work with the chairman—who is to be commended for his efforts—to seek adequate oversight provisions in conference with the Senate.

Too many times in the past Congress has not been informed of covert actions—even though the law requires it.

In 1983, Congress discovered that the CIA had mined Nicaraguan harbors without notifying the Intelligence Committees. Although CIA Director William Casey then agreed to keep the committees fully informed, Congress was again stunned to discover—through press reports—that the CIA had published a manual for the Contras urging the assassination of Government officials.

Congress should not have to learn about the Nation's most sensitive secrets from the newspapers.

No problem better demonstrates this than the Iran-Contra affair—one of the most serious constitutional crises our Nation has faced.

A small group of senior officials believed they alone knew what was right, and they refused to inform the Secretary of State, the Congress, or the American people of their actions. In essence, they ran their own private foreign policy.

When their operation was threatened with exposure, they engaged in a cover-up, altered chronologies, shredded documents, and lied to Congress and the American public. They even withheld key facts from the President.

Iran-Contra was a covert operation run amok, and a foreign policy fiasco.

Among the many lessons of the Iran-Contra affair, none is more important than the critical need for the executive and legislative branches to work together on foreign policy issues—especially in the area of covert action.

Had the Intelligence Committees of Congress been properly informed, it is very possible that the fallacy of the Iran-Contra affair would have been exposed for what it was: an arms-for-hostage deal.

Instead, the truth was not told and vital information was withheld.

As a result, it was 10 months later before the Iran-Contra story was revealed through press accounts. The actual text of the finding was not released until a year after the President signed it.

Numerous officials made false statements to, and misled, the Congress, but none described the administration's attitude better than Elliott Abrams. Unless Members of Congress, he said, asked "exactly the right question, using exactly the right words, they weren't going to get the right answers."

In the face of an executive branch determined to thwart the law and to lie about it, the ability of the Intelligence Committees and Congress to perform oversight is almost impossible.

A congressional committee must rely on information and honesty from the executive branch.

When Congress is treated as an irritant to be avoided rather than an adviser to be trusted, the result will be a failure of policy and a failure of the democratic process.

We cannot rely on the good will of Government officials to keep us reliably informed. We need laws on the books that erase ambiguities and set up clearly defined procedures.

I know that the Senate is still working on a compromise with the administration. But if such a proposal were to weaken current law requiring timely notification, or change the definition of covert action so that Congress would be kept in the dark on critical intelligence matters, it will not be acceptable.

We need to reach an agreement on 48-hour notification. At a minimum, we must not weaken current statutes.

We must put into law what has in fact been traditional practice between the administration and Congress. But this practice was violated in the Iran-Contra affair and the country suffered. We must ensure such abuses do not occur again by making sure that:

Congress is informed before covert action is initiated;

The Intelligence Committees receive written copies of Presidential findings;

Findings are not issued retroactively for covert operations that have already begun;

In the rare instances when prior notice is not possible, timely notification should be a matter of days, not months.

Though oversight provisions are not included in the legislation which we will consider today, I want my colleagues to know that if the Senate insists on weakening current law, we will fight for an agreement in conference which will actually strengthen and preserve the oversight role of the Intelligence Committees.

Mr. Speaker, H.R. 1455 authorizes funds for all intelligence and intelligence-related activities of the U.S. Government for fiscal year 1991.

Except for the oversight provisions—which have been put aside for now—the bill is similar in all respects to last year's authorization bill which was overwhelmingly adopted by the House.

House Resolution 136 is an open rule providing for 1 hour of general debate. The rule provides that the Select Intelligence Committee amendments now printed in the bill will be considered as adopted as original text for purposes of amendment.

The bill will be considered by titles. The rule waives all points of order against consideration of the bill and provides one motion to recommit.

This is an open rule and a fair rule, permitting any Member to offer an amendment that is germane.

I urge my colleagues to support House Resolution 136.

□ 1430

Mr. Speaker, I reserve the balance of my time.

Mr. MCEWEN. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, it is indeed a pleasure to rise not just to support this particular rule, but to express gratitude to the leadership of the Permanent Select Committee on Intelligence, the committee chairman, the gentleman from Oklahoma [Mr. MCCURDY], along with the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER], for they deserve commendation on requesting an open rule. Likewise, I commend my colleagues on the Rules Committee, particularly Chairman MOAKLEY, as well as the ranking member, the gentleman from New York [Mr. SOLOMON], for granting the Permanent Select Committee on Intelligence's request by proposing this open rule.

In this, the People's House, open debate is essential to democracy, and I hope and trust that the leaders of the other committees will take note of Mr. MCCURDY'S leadership and follow suit by requesting open rules such as that that allow the people's Representatives to fully air their differences and not just cast votes to settle those differences.

Mr. MCCURDY and Mr. SHUSTER deserve our gratitude for requesting an open rule, and they deserve our gratitude for drafting a clean bill, a bill that avoids many of the controversies that led President Bush to veto the Intelligence Authorization Act passed last year.

My colleagues will probably recall the concerns that the President expressed with provisions of that bill which sought to define the term "covert action" to include any request by the United States to a foreign government to conduct an effort on behalf of our Nation.

Further, there was concern over the bill's report language which sought to dictate to the President how quickly he must report to the Congress on such request. Of course, we understand the consternation this causes some, and indeed we are reminded of the frustration that this body experienced with its commitment to the Sandinista government. And what we have seen of late is a frustration that people feel when they see democracy triumph over tryanny and indeed to suggest to those who are fighting for their independence in Central America, trying to bring democratic principles to the fore, now to see it all go by the boards as they are successful in overwhelming the tyranny that was taking hold there, there is indeed a frustration for those who invested so much time and effort in the Sandinista government.

I remember specifically being in a meeting just down one floor from here with the leadership of this body in which the Sandinista, Marxist, Communist revolutionaries were invading their neighbor governments, and after the intelligence information had been looked over, and after the report from the State Department officials as to the fact that they were in their neighboring country and they had violated international law, and after the effort had been made, indeed the leadership of this House reached in his pocket and pulled out an envelope in which he said, "Well, I have been speaking with the intelligence experts of the Communist revolutionary Sandinista government, and they have assured us that if there were any intrusions into the neighboring country that it was inadvertent and accidental."

I would remind the folks that the border between Honduras and Nicaragua is a river, and people do not accidentally and inadvertently cross a river. But nevertheless, they did. And the suggestion was from those who had vested so much time and commitment to that Communist government that the United States should not act. And fortunately in that case Ronald Reagan, the President of the United States, did act. He sent the 82d Airborne immediately, and four of our colleagues from the House went down there and set our feet on the location where the invading Communist forces from Nicaragua were invading their neighbors. And we could see that when the word had come that the United States had taken an interest in defending the independence of Honduras, that those Marxist revolutionaries had run back across the river. They had dropped their bags, they had dropped their weapons, they had dropped their Soviet supplies, and dashed across the river again.

That is the kind of concern that there was, a frustration between democracy triumphed in Nicaragua and for those who had done everything in their power to see that the Sandinistas survived, there was a frustration on their part from the commitment of the Reagan administration and those who wanted to see liberty live in Central America.

I am convinced the President was right in making sure that in decisions with neighboring countries that he should be allowed to make those without first checking with the congressional committees. His veto was proper on those grounds, and indeed successful operations that have been carried out in recent days in Operation Desert Storm prove the President's wisdom in not allowing his office to be unduly re-

stricted by unnecessary reporting deadlines.

□ 1440

Mr. Speaker, I am convinced that the Intelligence Committee leadership chose wisely in bringing this bill before us without including those offensive sections that would have been a source of friction between the legislative and executive branches. Indeed, that wise restraint has served to increase the chance that a mutually acceptable solution can emerge.

Indeed, there is concern by many folks, certainly those in the intelligence community, as to how much information can be shared with the Congress of the United States. I am reminded of the time that our neighbors to the north wished to engage in intelligence activities with us but would only do it with a commitment from the President that they would not inform the Congress lest the Congress share that information with the newspapers, and their personal agenda versus the Nation's agenda would be furthered.

Mr. Speaker, I think one of the reasons we could correct that concern would be if we had the same secrecy oath apply to members of the Intelligence Committee that also applies to the Secretary of Defense, that also applies to the members of the intelligence community and applies to those who come before the committee.

The chairman of the Intelligence Committee has placed a very wise restraint on those testifying to remind them of the solemnity of the facts with which they are dealing in the Intelligence Committee. The chairman, the gentleman from Oklahoma [Mr. MCCURDY], has instituted within this Congress a request that those testifying before the committee, that they swear an oath not to violate the secrets that they are sharing.

I cannot help but think that if the members sitting behind the table were to take the same oath and express the same solemnity that the chairman, the gentleman from Oklahoma [Mr. MCCURDY], requests of those testifying that it would make a quantum leap forward in respect not only for this Congress but certainly for the intelligence oversight committee.

I would conclude by saying this, that the gentleman from California [Mr. BEILENSON], the chairman who just stepped down last January after 7 years on the committee, and I was privileged to serve on the committee with him, said that he felt that the CIA and the administration had been more than forthcoming with the committee and "had followed both the letter and the spirit of the law" when he stepped down.

I think that the time for cooperation and trust with out Nation's secrets are in order. The rule before us is an open rule, and I commend it to my colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in reluctant opposition to the bill. The gentleman from Oklahoma, the chairman of the Intelligence Committee, has worked very hard to bring this legislation to the floor and we are all indebted to him for his leadership.

But I have to vote against the bill because, once again, we are turning over to the President powers that he does not have under the Constitution and that he should not have as a matter of sound policy.

The bill passed by the Congress last year said that the President could not circumvent the checks and balances of the oversight process by getting private parties or third countries to perform covert operations without informing Congress. It did not say the President couldn't use surrogates. It merely said he had to inform Congress. The CIA and the White House were aware of this provision and led the Congress to believe that the President would sign the bill. After we adjourned, ideologues in the White House, with their exaggerated notion of Presidential power and their disrespect for the notion of checks and balances, urged the President to veto that bill, and he did. The bill before us drops the offending passage.

Mr. Speaker, is our memory that short? Did we learn nothing from the Iran-Contra scandal? One of the central elements of that affair was the use of private parties and third countries to carry out covert operations that the President was barred by law from undertaking. The purpose of the provision in last year's bill was simply to make it clear that the President could not use surrogates to accomplish what he was legally prohibited from doing directly.

Let us remember that covert actions are constitutionally suspect in the first place. To the extent they are secret wars, I believe they are clearly unconstitutional. I believe they should be subject to tighter controls that now exist. I cannot vote for a bill that gives the President a loophole for carrying out secret operations without even informing Congress.

Mr. MCEWEN. Mr. Speaker, I yield 8 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished minority member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, prefacing my remarks, let me just respond to the gentleman from Michigan [Mr. BONIOR].

We need to point out that the gentleman from Michigan [Mr. BONIOR] is a chief deputy whip of the Democratic Party. The gentleman from Michigan [Mr. BONIOR] is a more liberal member of the Democratic Party on that side of the aisle. They are the ones who seem to control the Democratic Party. They gave us candidates like Michael Dukakis and George McGovern, and I think that it needs to be said that all Democrats are not that way. There are a lot of good conservative Democrats like Sam Stratton, who served here for many years, and there are many more; I could go down the line.

Mr. Speaker, American foreign policy has worked. It has worked well, and that was proven the other day. We had the privilege to see democracy at work around the world when Violeta Chamorro came and stood where you stand, Mr. Speaker, and addressed a joint session of this Congress. Democracy is breaking out all over this world, not just in the Warsaw Pact countries, not just in the Baltic States, throughout the Soviet Union, but all over this world, whether it be Africa, Central America, all over. Thank God for Ronald Reagan and thank God for George Bush. So much for the left-wing of the Democratic Party.

In response to the statements made by my good friend, the gentleman from Michigan, let me just read this statement:

> Congress currently has in place effective tools for conducting oversight of the operation of our intelligence activities.

Who said that? Our good friend, the gentleman from California [Mr. BEILENSON], the immediate past chairman of the Permanent Select Committee on Intelligence.

Mr. Speaker, when did he say that? Only 6 months ago, the last time this bill came before this House.

What the gentleman from Michigan has done is to dredge up ancient history.

I will conclude by quoting the gentleman from California [Mr. BEILENSON] one more time:

> The current administration shares our goals * * * We have a higher level, a greater amount of mutual trust now than there has been at any time in 13 or more years that these committees have been in existence and have had relationships with one Chief Executive or another.

That statement, by one of the most respected Members of this House, speaks for itself, and it says a lot about the Bush administration.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, on that point, when was that statement that my friend read about my good friend, the gentleman from California [Mr.

BEILENSON], that wonderful chairman that we had of the committee?

Mr. SOLOMON. I think it was October 17, 1990. Here is the CONGRESSIONAL RECORD.

Mr. BONIOR. Let me ask the gentleman another question. If it was October 17, 1990, was it before or after the President led the gentleman from California [Mr. BEILENSON] and the committee to believe that that bill was going to be signed into law?

Mr. SOLOMON. I think it was obviously before.

Mr. BONIOR. It was obviously before, and then the President vetoed the bill.

Mr. SOLOMON. Mr. Speaker, let me at this time thank the leadership of the Permanent Select Committee on Intelligence for requesting an open rule on this piece of vital legislation.

It is kind of ironic that on a matter of intelligence we are being offered an open rule when we need perhaps some selectivity. Nevertheless, we do deeply appreciate it on this side of the aisle.

During the consideration of this bill, I will be supporting an amendment by our good friend, the gentleman from Ohio [Mr. MCEWEN], that calls for all Members and all staff of the Permanent Select Committee on Intelligence to take oaths of secrecy. I would hope that we could expand that to every Member of Congress and every staff member who works for this Congress. However, that is not germane to the issue here today.

I will be supporting this amendment not to impugn the integrity or the patriotism of any Member of Congress, because I am not and would not. Nor will I be supporting this amendment as a way of suggesting that the Intelligence Committee is an important or primary source of leaks, because I am persuaded that it is not. I will be supporting this amendment as a way of reinforcing the idea that Congress has an extraordinary responsibility to protect the sensitive information that is provided to all of us.

If the people who have the primary task of handling this information are subject to an oath of secrecy, their good example should have a positive effect on the entire institution. That is what I am looking for.

There have been examples in the past of secret information that was deliberately, and I repeat, deliberately, leaked by somebody in Congress.

□ 1450

There are perhaps, even more examples of Members who have inadvertently or unintentionally passed on classified information after closed briefings or hearings. I sat on the Committee on Foreign Affairs for almost a decade, and I saw Member after Member sit through briefings of classified information. Some more inexperienced Members, not knowing the difference, walked out and blabbed to a press conference about classified information. That is what I am seeking to prevent, even though this activity is often unintentional.

I am always on the lookout for ways in which the seriousness of the issues and information with which we are involved can be reinforced. This is one way to reinforce them. The McEwen amendment is certainly, I think, going to do that.

If a noted civil libertarian like Benjamin Franklin saw nothing wrong with members of the appropriate committee in the Continental Congress having to sign oaths of secrecy concerning the sensitive information they were handling, why should we see something wrong with it? I certainly do not.

Also, I would like to say that I will be offering an amendment to the intelligence authorization bill that will subject members of the Central Intellignece Agency to random drug testing. They do not have to do that at the present time. This amendment was accepted by the committee last year. I would hope that we could not only attach it to this legislation, but to all bills for all departments of the Federal Government, to set an example to the private sector that something has to be done about casual drug use in this country. About 75 percent of all drug use today is carried on by people who simply think they are not harming society by snorting a little cocaine or puffing a little marijuana. We need to stop that by people who work in the Federal Government. We can do it by enacting my amendment later on.

I would appreciate the support of all Members for the amendment.

Mr. MCEWEN. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I want to add my voice to the tumultuous voices of those who are describing the bill that the President vetoed last session.

It is my understanding, confirmed in several different ways, that had the bill been enacted into law and not vetoed, Desert Shield and Desert Storm would have been totally different from, and flawed to the extent that perhaps those excellently concluded missions would not have ended in victory for the coalition.

The wording of that original bill, had it not been vetoed, would have hampered American intelligence efforts on a dozen different fronts, including in the diplomatic and military portions of Desert Shield and Desert Storm.

I asked for special reports in that regard, and I am convinced, as I have said, that that is so. I would hesitate to make that an issue as to what is now going to occur in this particular debate. I think we should move on with that being part of the history of Desert Shield/Desert Storm.

Mr. MCCURDY. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Oklahoma.

Mr. MCCURDY. Mr. Speaker, I appreciate the gentleman yielding. I rise only to say that I think it is important to state for the record perhaps a clarification. The gentleman may have some information that is unavailable to the Chair. However, I would submit that I have not heard any testimony, any relevant testimony, in relation to the statement that the gentleman has just made, that would indicate that the language contained in last year's bill, which was vetoed, would in any way have altered the performance in the Persian Gulf in any respect.

I am not doing this to put the gentleman on the spot in any way. I just wanted to state for the record, since the gentleman raised that point, that it is my impression and understanding in discussions before the committee, that that language had no bearing whatsover on the operations in the gulf.

Mr. GEKAS. Mr. Speaker, I want to assert to the gentleman from Oklahoma [Mr. MCCURDY] No. 1, that I will share the briefing information that I have received on that point; No. 2, the question did not come up during, as I recall, the particular briefings on that question. This came about as the request that I made afterwards, and therefore, I am glad to share this information.

However, I am convinced, I repeat, that the veto came at an appropriate time in American history, because it allowed the magnificent exercise of American power and coalition power in Desert Shield and Desert Storm.

Mr. MCCURDY. Mr. Speaker, if the gentleman will continue to yield, again, since I directly inquired of the Director of Central Intelligence on that point in the hearing, under oath, I think it is important to raise that obviously I would like to see the information the gentleman has proffered.

At the same time, as best as I can report today in an unclassified setting, that is obviously not my impression. I say that also as one who was strongly in favor of the action in the gulf and supported it, and reviewed, over time, much of our operations.

Again, I appreciate the gentleman for his comments, but I could not allow that to pass without at least stating my concern.

Mr. GEKAS. I do not consider it a challenge. I consider it an opportunity to share information.

What I am asserting here is not revealing any classified information, but simply the aura of what occurred, before and during Desert Shield and Desert Storm.

Mr. MCEWEN. Mr. Speaker, I yield myself 6 additional minutes to be joined in a colloquy. But first I would

like to be allowed to read, if I may, from the unclassified report from the committee minority views of the ranking member, the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Texas [Mr. COMBEST), the gentleman from California [Mr. DORNAN], the gentleman from Florida [Mr. YOUNG], the gentleman from New York [Mr. MARTIN], and the gentleman from Pennsylvania [Mr. GEKAS]. This report says:

Experiences in Desert Shield and Desert Storm reemphasized the importance of not classifying traditional military activities as covert actions, particularly sensitive traditional military activities undertaken in anticipation of hostilities to ensure the success of the operation and save lives. The Department of Defense is concerned that, in light of those experiences, some possible types of clandestine advanced force, strategic deceptions, and pyschological operations had not been taken fully into account in crafting the conference report language explaining the scope of "traditional military activities" exempted from the definition of "covert action". Department of Defense feared that without modifications of that report language some of these clandestine military operational support activities would be unintentionally covered by the covert action oversight requirements this could potentially interfere with the President's commander-in-chief responsibilities.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. MCEWEN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I would like to add some illumination to this particular point.

Originally, my understanding was the same as the chairman's. However, in December in the Persian Gulf a high-level official did inform some Members that had this law been in effect, it could indeed have hampered our activities. I have changed my views based on that information from December. However, up until that point, my understanding had been exactly the same as the chairman's.

Mr. MCEWEN. Mr. Speaker, I thank the gentleman.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. MCEWEN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I would like to consult with the chairman and the ranking member to see if we can make this what I am talking about, a part of our official record in committee, or at the summit.

Mr. MCCURDY. Mr. Speaker, will the gentleman yield?

Mr. MCEWEN. I yield to the gentleman from Oklahoma.

Mr. MCCURDY. Mr. Speaker, I appreciate the gentleman yielding.

I will state that obviously we welcome any information that members of the committee have. As to the point the gentleman from Ohio raised, that he read, and my friend from Pennsylvania [Mr. SHUSTER] also raised, it is my understanding, regardless of the activities that may or may not have occurred which I am not aware of or would be privileged to divulge anyway, the language in the bill last year would only have required that the administration inform the Committee on Intelligence of activities that may or may not have been conducted.

□ 1500

It would not have prohibited the administration from understanding any kinds of operations that are vital to national security.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. MCEWEN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I would point out to my good friend that while that would have been the legal requirement, we know of specific situations in the past, particularly the Iran hostage situation, in which the Canadians required that their cooperation not be disclosed to the Congress as a basis for their helping extricate the Americans who were hidden in the Canadian Embassy in Tehran; so it is quite conceivable that our allies did not want any of this information shared.

Mr. MCCURDY. Mr. Speaker, will the gentleman yield?

Mr. MCEWEN. I am just about out of time, and I have some profound statements to make.

Mr. MCCURDY. Mr. Speaker, if the gentleman will yield for just 1 quick minute, and if necessary we can perhaps get some additional time.

Mr. MCEWEN. I yield to the gentleman from Oklahoma.

Mr. MCCURDY. As my colleague, the gentleman from Pennsylvania knows, in those instances where security in the mind of the administration is at such a critical stage and perhaps national security could be jeopardized that there is provision that allows the President to delay if he deems that essential reporting to the Congress; so although that may have been the case vis-a-vis the hostages, I do not believe that would have been the case in the gulf today.

Mr. MCEWEN. Mr. Speaker, I would only conclude by leaving off as I began, and that is by commending the chairman of the Intelligence Committee and the ranking member for not including this obviously very contentious section that mere mention of it or reference to it causes great concern to this body. Those who have dedicated their lives and lived in daily risk of exposure and having their lives snuffed out in the effort to maintain freedom on this planet is a very, very sacred responsibility. Those of us who have been privileged to serve on the Intelligence Committee, some of us concluded, as the gentleman from Illinois [Mr. HYDE] has, that perhaps having two of these committees is excessively risky to the Intelligence Committee, that there should be one, that this constant rotation is also putting them at risk.

I would just say this in reference to the 1992 bill, that the President has a different perception as to what is being said in the language that has been exercised in this bill. I am hopeful that this quality legislation that is before us and this open rule that is on the floor will be passed overwhelmingly, and I also encourage the chairman not to bring this very dangerous legislation before us in the 1992 bill, because not only is the President firm, but many of us are very much convinced that any communications between our military and international military must first be given to the Congress for its full airing and debate.

We know of the leaks that have taken place. We know of Members of Congress who have been asked to step down from the Intelligence Committee, for reason, and that therefore when freedom is at risk and lives are at stake that we should give confidence to those who are willing to take an oath of secrecy and those who are willing to put their lives on the line and not expose them to unnecessary exposure from those in the political end of the legislative branch.

With that, I urge support for the rule.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the previous speaker has mentioned that the mere mention of this section causes great concern in this body, and it should cause great concern. We have not dealt in an official capacity in this Chamber with the abuses that occurred in the so-called Iran-Contra affair, an affair which came very, very close to toppling the Government of the United States, a Government which was headed by a Member of a party to which I do not belong.

Mr. Speaker, these are very serious questions and we have to face them, and we will face them. We will either face them in conference or we will face them in the 1992 bill or we will face them in some other important piece of legislation that is needed for an orderly process of our foreign policy in this country today.

This Government in which we are all proud to be a part, this Government under which we all live is for all purposes a democracy. In a democracy you are not able to have all the time all the secrets that you want. I believe in the responsibility of the Intelligence Committee in keeping secrets that we swore to when we took the oath and I will live up to that responsibility; but let it not go forward from this body today, as has been alluded to just a few seconds ago, that leaks on intelligence come from just Members of this body or of the other body. Everyone knows well that leaks come from the administration. So let us not lay the blame for

national security risks and problems on Members of this institution, who I believe have had a commendable record of protecting the integrity of the secrets of this great Nation of ours.

Mr. Speaker, let me also say that I think the argument that was raised a second ago by my dear friends, and they are my dear friends, we have disagreements on some of these issues, but they are my friends and they believe in the principles that I believe in terms of openness and democracy, that the country of Canada, our neighbor, would try and persuade our leadership that openness would not be in our best traditions with respect to the occurrences in regard to the Middle East. That is a preposterous statement to make.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman, because I tell the gentleman that I personally spoke with the top intelligence officer who dealt with the Canadian Government during the Iranian hostage crisis and indeed that precisely was what the Canadian Government told us, so it is not preposterous, I say to my friend. It is fact.

Mr. BONIOR. It is preposterous for an intelligence officer in a democracy, a neighbor of ours, to tell us, to suggest to us as Members of this body that we are not privy or should not be privy to instruments of intelligence that affect this country in policies that we have to act on through appropriations or through authorizations that occur overseas, especially in the Middle East. I will not accept that, and I do not care if it is from an intelligence officer from Kuwait or from Canada.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I would also point out, Mr. Speaker, that we had testimony, open testimony in our committee from the top people in the agency that indeed this was precisely the case. Canada said they could not cooperate because lives were involved, Canadian lives were involved, American lives were involved, and that information should be withheld. Those are facts. The gentleman may not like the facts, but those are facts.

Mr. BONIOR. Well, of course, lives are involved. Lives are involved in many foreign policy issues we are engaged in here. That does not mean every time lives are involved that a foreign policy issue, if a foreign government tells us that the Congress of the United States which is elected by the people of this country——

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I will not yield. I will yield when I am finished with my statement, because I respect the gentleman's opinion and I am interested in listening to it; but that does not suggest that when this body which is responsible to the American people has to make decisions on appropriations and authorizations and whether to commit your sons or daughters to battle, whether a select group of people who were commissioned to sit on the Intelligence Committee has a compromise with the administration some 13 years ago, we have a right to know.

Mr. SHUSTER. Mr. Speaker will the gentleman now yield?

Mr. BONIOR. Of course, I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman. The gentleman's position, therefore, would have permitted those six Americans who were being hidden in Tehran to have been turned over to the Iranian Government, indeed those six Americans would have been murdered as the result of following the kind of policies which the gentleman is advocating today.

Mr. BONIOR. It would have done no such thing. The gentleman is suggesting that he does not trust his leaders. He does not trust his leader on that side. He does not trust the Speaker. He does not trust the minority leader in the Senate.

□ 1510

And that is what the law says. The law is clear on notification of leadership members in this body on intelligence matters that relate to serious problems, as the one the gentleman has just described.

Mr. Speaker, I reserve the balance of my time.

Mr. MCEWEN. Mr. Speaker, I yield myself such time as I may consume.

I would only say in conclusion that as I said, it is a good rule, it is a good bill. I hope we do not bring this up again in 1992, because there are those who are committed to making sure lives should be protected when at risk on our national secrets. There is an amendment to be proposed. It says:

I will not directly or indirectly disclose to any unauthorized person any classified information received in the course of my duties on the Permanent Select Committee on Intelligence except with the formal approval of the proper committees of the House.

So, Mr. Speaker, I would say to you that if those members of the committee are unwilling to take that oath, then governments that refuse to cooperate with us have at least some justification for their fears. And if they are willing to say boldly as the witnesses have said before the committee that they will not violate the oath, if members of the committee are willing to do that, it would be very, very helpful to those other nations that have lost confidence, and indeed many of the people of the United States that are losing confidence in this House and in this body, as a source of keeping our national secrets.

With that, I urge that we vote.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished chairman of the committee, the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. I thank the gentleman for yielding.

I was going to do this during debate on the bill, but I want to state to my colleague from Ohio that perhaps he has misspoken to the extent that the rules of the committee and the application of the rules that I have applied as far as taking testimony under oath merely requires that the testimony be the truth. It is not a requirement that the administration officials or anyone else who testifies—and it is a flat rule in any hearing—whoever testifies does so under oath. It is not an oath of secrecy, it is an oath merely stating what they testify is the truth and the complete truth.

Mr. MCEWEN. Mr. Speaker, I yield back the balance of my time.

Mr. BONIOR. Mr. Speaker, this has been an enjoyable and an interesting debate. It is with great pleasure that I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1236, NATIONAL FLOOD INSURANCE, MITIGATION, AND EROSION MANAGEMENT ACT OF 1991

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 138 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 138

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1236) to revise the national flood insurance program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban

Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, by title instead of by section, and each title shall be considered as having been read. It shall be in order to consider en bloc, if offered by Representative Erdreich of Alabama or his designee, the amendments printed in the report of the Committee on Rules accompanying this resolution, said amendments en bloc may amend portions of the committee amendment in the nature of a subject to a demand for a division of the question in the House or in the Committee of the Whole. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, I yield the customary 30 minutes of debate to the gentleman from California [Mr. DREIER]. Pending that, I yield myself such time as I may consume.

Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 138 is an open rule which provides for the consideration of H.R. 1236, the National Flood Insurance, Mitigation and Erosion Management Act of 1991. The resolution provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Banking, Finance and Urban Affairs Committee. After general debate has concluded, the bill shall be amendable under the 5-minute rule.

House Resolution 138 makes it in order to consider an amendment in the nature of a substitute recommended by the Banking Committee now printed in the bill as an original bill to be considered for amendment by title, instead of by section, and each title shall be considered as read.

Mr. Speaker, the rule also makes in order en bloc amendments printed in the Rules Committee report to be offered by Representative ERDREICH of Alabama or his designee. The en bloc amendments may amend portions of the substitute which have yet to be read by the Clerk. The en bloc amendments are not divisible.

Finally, House Resolution 138 provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1236 revises the National Flood Insurance Program to provide for the mitigation of potential flood damages and management of coastal erosion. The bill also ensures the financial soundness of the program, and improves compliance with the mandatory purchase requirements for flood insurance.

House Resolution 138 is an open rule which provides for the consideration of an important piece of reform legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule making in order the consideration of H.R. 1236, to reauthorize the National Flood Insurance Program. As my friend and colleague from Tennessee explained, this is an open rule, and I want to commend Chairman GONZALEZ for his continuing advocacy of unrestricted rules on bills emanating from the Banking Committee.

Mr. Speaker, the NFIP was created in 1968 in an effort to mitigate flood hazards and to get homeowners living in designated flood plains to rely more on insurance and less on the general taxpayer for disaster relief. Despite several amendments to the program, however, it is far from successful.

First, the NFIP mandates mitigation as a condition for program eligibility, and that mandate has been a disincentive to participation. There are about 2.3 million flood insurance policies in force, but about 10 million homes in the designated special flood hazard areas have no insurance protection.

Overall, the NFIP has only a 14-percent compliance rate. As a result, when a major flood hits, disaster assistance is usually called upon to make up the difference. To address this problem, H.R. 1236 expands flood insurance purchasing requirements and increases incentives for communities to implement flood loss reduction programs.

A second problem is that the NFIP is not actuarially sound over the long term. If this country experiences a round of costly and damaging floods such as those that occurred in the early 1970's, the Treasury will have to make due on a massive contingent liability. H.R. 1236 makes some improvements toward actuarial soundness but, until there is greater participation, this subsidy will continue to exist.

Mr. Speaker, while I support H.R. 1236, I also agree with OMB's recommendation that the President veto this legislation if it contains the CBO scoring language. This is a violation of the October budget agreement, and the President has said as far back as December 21, that he would veto any bill containing such language. For this reason, I will be supporting the Gradison amendment to conform section 604 to the budget law.

Also, Mr. Speaker, I will submit for the RECORD, following my remarks, the statement of administration policy with regard to H.R. 1236.

The statement follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 1236 represents the most significant change to the National Flood Insurance Program (NFIP) since passage of the Flood Disaster Protection Act of 1973, and the Administration supports substantial portions of the bill. Nevertheless, if H.R. 1236 is presented to the President in its current form, the President's senior advisers will recommend a veto because of the mandated scoring language contained in Section 604.

Section 604 contains the CBO scoring language required by House Rule XXI. In a letter of December 21, 1990, the President stated that he would veto any bill containing such language. The effect of this provision is to overturn a key element of the Federal spending control mechanisms enacted pursuant to last year's Budget Agreement. As the President said, "[i]f specifically negotiated and agreed provisions are to be undone . . . how can we reasonably expect the Agreement to be taken seriously?"

The Administration supports the existing broad-based flood insurance coverage requirements, and supports the bill's intent of improving compliance with those requirements. However, the Administration opposes the new regulatory mandates which the bill would impose upon lending institutions which at present are not Federally-regulated and which issue mortgages that are not guaranteed by the United States.

In particular, the Administration objects to a provision in Title II which would establish the Department of Housing and Urban Development (HUD) as a regulator for any financial institution that is not presently regulated by another Federal agency. This is a significant class of financial institutions, many of which are not now subject to HUD regulation. HUD lacks the resources to monitor these institutions effectively, in light of its primary responsibility to monitor the lenders and servicers who participate in the insurance programs of the Federal Housing Administration (FHA). Further, HUD has little or no means of enforcement over lenders who are not currently FHA-approved. Lastly, Title II's compliance requirements would increase the Federal Government's liability to make insurance payments in the future.

Section 403 would authorize the Director of the Federal Emergency Management Agency (FEMA) to invest certain funds in interest bearing obligations issued or guaranteed by the United States. The Administration recommends that this provision be amended to authorize the Secretary of the Treasury, in consultation with the Director of FEMA, to invest such amounts in public debt securities. This amendment would be consistent with the existing handling of most other funds with investment authority, including flood insurance.

SCORING FOR THE PURPOSES OF PAY-AS-YOU-GO

H.R. 1236 would change direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990 (OBRA). OMB's preliminary scoring estimates of this bill are presented in the table below.

[In millions of dollars]

	1991	1992	1993	1994	1995	1991–95
Net decrease in outlays	.....	.....	.....	−3	−7	−1	−11

Final scoring of this legislation may deviate from these estimates. If H.R. 1236 were enacted, final OMB scoring estimates would be published within five days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending

will be issued in monthly reports transmitted to the Congress.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I yield to my friend, my former colleague on the Committee on Banking, Finance and Urban Affairs, the gentleman from Nebraska [Mr. BEREUTER].

□ 1520

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding. I appreciate very much his remarks about the committee's activity. I appreciate the Committee on Rules giving the rule requested by the majority and the minority, treating our request expeditiously and courteously, and I would urge my colleagues to support the rule.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman from Nebraska [Mr. BEREUTER], and I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I have no further requests at this time for time, and I reserve the balance of my time.

Mr. DREIER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished and very eloquent ranking Republican on the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding me the time. And, Mr. Speaker, I would also like to again thank the appropriate authorizing committee, in this case the Committee on Banking, Finance and Urban Affairs, for requesting an open rule.

Mr. Speaker, I will be supporting the bill this rule makes in order because it embraces what I like to call "the Solomon philosophy." That is it proposes to tighten up the management of what is already a good program and return money to the Treasury in the process. All of this is done at no cost in new taxes, and I think that is what we ought to keep in mind around here.

This is a good bill which I will be supporting. I would add, however, that will also be supporting the amendment by our good friend, the gentleman from Ohio [Mr. GRADISON], the distinguished ranking Republican on the Committee on the Budget, to return this bill to OMB budget scoring instead of CBO. That CBO provision is the only unnecessary element in what is otherwise a commendable bill.

So, let us not fool around with some partisan finger-pricking. Returning this bill to OMB budget scoring means the President will sign it and a good program will go forward to be made even better.

So, Mr. Speaker, I would hope that the amendment of the gentleman from Ohio [Mr. GRADISON] will pass and that we could go and pass the bill. I thank the gentleman from California [Mr. DREIER] for the time.

Mr. DREIER of California. Mr. Speaker, I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1080

Mrs. VUCANOVICH. Mr. Speaker, I ask unanimous consent to have my name withdrawn as a cosponsor of H.R. 1080, effective today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1991

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 136 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1455.

The Chair designates the gentlewoman from New York [Ms. SLAUGHTER], as Chairman of the Committee of the Whole, and requests the gentleman from Kentucky [Mr. MAZZOLI] to assume the chair temporarily.

□ 1523

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. MAZZOLI (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Oklahoma [Mr. MCCURDY] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. SHUSTER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of H.R. 1455, the Intelligence Authorization Act for fiscal year 1991.

H.R. 1455 authorizes funds for all intelligence and intelligence-related activities of the U.S. Government for fiscal year 1991. These funds are allocated between the National Foreign Intelligence Program, which consists of those U.S. intelligence programs providing information to the President and other national decisionmakers, and the tactical intelligence and related activities programs which provide intelligence to military commanders.

I want to dispel any confusion which might exist in Members' minds about this legislation. This is an authorization for the current fiscal year, fiscal 1991. It is necessitated by the pocket veto last November 30, of S. 2834, the original fiscal year 1991 authorization measure. With the exception of the deletion of the title on congressional oversight of intelligence activities, which I will discuss more fully in a few moments, and minor technical corrections, H.R. 1455 is identical to the conference agreement on S. 2834. While the actual amounts authorized are contained in a classified schedule of authorizations incorporated by reference into H.R. 1455, and explained in a classified annex to the committee's report, those documents are available for the examination of Members in the committee's offices. I urge Members who have not already done so to review this material.

Section 502 of the National Security Act of 1947, as amended, provides that appropriated funds available to intelligence agencies may be obligated or expended for intelligence or intelligence-related activities only if those funds were specifically authorized by Congress for those activities. The committee appreciated the directive issued by the President on December 5, 1990, that, during the period in which an intelligence authorization bill for fiscal 1991 was not enacted, intelligence agencies were not to exceed the spending limits in the conference agreement on S. 2834. It is important, however, that any uncertainties about the authority to obligate and expend funds on intelligence and intelligence-related activities in the current fiscal year be resolved. That resolution can be accomplished through the enactment of an intelligence authorization bill, and that is why the passage of this legislation is so important.

I want to thank the committee's ranking Republican, the gentleman from Pennsylvania [Mr. SHUSTER] for his efforts in bringing this needed legislation to the floor. I also want to extend the appreciation of the committee to the chairmen of the Committees on Armed Services, the Judiciary, Government Operations, and Post Office and Civil Service for their help in facilitating the consideration of H.R. 1455.

As I mentioned at the outset, H.R. 1455 is substantially the same as the conference agreement on S. 2834. The one significant change is that H.R. 1455 does not include the title on the congressional oversight of intelligence activities which was contained in the ve-

toed bill. Two provisions in that title, the statutory definition of covert action and the reenactment of the current requirement that Congress be provided with notice about a covert action in a timely fashion in those instances in which prior notice is not provided, were objectionable to the President, and produced the pocket veto of S. 2834.

Under current law, Congress does not have the power to disapprove of a covert action before it is implemented. Congress, through the Intelligence Committees can, however, exercise a significant degree of control over covert action programs by the decision it makes on requests to continue funding for those programs. It is fundamental to the effective use of this power of the purse that the Executive and the Congress be in general agreement about what constitutes a covert action, and that Congress be certain that it will be fully informed about covert actions.

After the veto of S. 2834, numerous attempts were made to address the President's objections in a way that was sensitive to the legitimate concerns of both the executive and legislative branches of our Government. The President maintained that a sentence in the proposed definition of covert action, which would have included within the definition a request by the United States to a private citizen or foreign government to conduct a covert action on our behalf, was unclear and would hinder the business of diplomacy. We proposed a compromise designed to make certain that the same approval and congressional notification standards apply to covert actions undertaken for the United States as apply to those undertaken by the United States. That compromise, which would have made clear that covert actions directed, controlled, or induced by the United States had to be reported to Congress, was rejected.

On the issue of timely notice, the result was the same. A proposed compromise that would have distinguished the President's assertion of a constitutional right to withhold notice about a covert action for a period of his choosing from his assertion of a statutory right to do so, was rejected. At that point, because I no longer believed that it was possible to resolve these issues in a way that protected the interests of the House, I introduced H.R. 1455 without the oversight title.

I took that step with considerable regret because many of the oversight provisions in the vetoed bill, particularly those which would have significantly improved the Presidential covert action findings process, are important and worthwhile. The clear benefits of those provisions, however, could not compensate for the less than satisfactory resolution, toward which I felt we were headed, of the central issues in our dispute with the President.

At this time, I would like to briefly describe the major legislative provisions of H.R. 1455.

Title III contains provisions developed in cooperation with the Post Office and Civil Service Committee which are intended to bring the CIA's retirement systems into conformance with the retirement systems in effect at other Federal agencies. I want to note in particular the following sections:

Section 304, which will enable a retiree who failed to elect a survivor benefit before retirement to make that election for a spouse married after retirement;

Section 305, which will reduce from 60 to 55 the age before which the remarriage of a former or surviving spouse shall terminate that person's entitlement to retirement or survivor benefits; and

Section 307, which will provide for a restoration to former spouses of the benefits they lose upon remarriage should the remarriage end in death, divorce, or annulment.

Title IV contains recurring provisions which, among other things, provide that authorizations in the bill are not to be construed as providing authority for intelligence activities not otherwise authorized by the Constitution or law of the United States.

In addition, section 404 permits the Secretary of Energy to exempt from the competitive service all positions within the Department which are determined to be devoted to intelligence or intelligence-related activities; and section 405 authorizes the Director of Central Intelligence in appropriate circumstances, to direct that elements of the intelligence community should, where fiscally sound, award contracts so as to maximize the procurement of products produced in the United States.

Title V contains provisions of particular relevance to the Department of Defense. I want to highlight the following sections:

Section 501, which will enable the Secretary of Defense to charge the CIA the same rate for airlift services that is charged to components of the Department of Defense;

Section 502, which was developed with the assistance of the Government Operations Committee, creates a limited exception to the Freedom of Information Act to permit the withholding from public disclosure of certain unclassified products of the Defense Mapping Agency. This exception would only apply when classification of the products is not feasible, but provision of them pursuant to a Freedom of Information Act request would reveal the sources and methods by which they were produced, or military operational or contingency planning;

Section 503, which permits the Director of the National Security Agency to provide financial assistance for up to 5 years to former employees in circumstances in which the assistance is essential to avoid situations that might lead to the disclosure of classified information; and

Section 504, which will enable the Secretary of Defense, in coordination with the Director of Central Intelligence, to better protect the identity and mission of those DOD clandestine human intelligence collectors needing a commercial cover for their activities. Under current law, a DOD human intelligence collection operation may hold itself out to be a business, but may not engage in routine business activities such as establishing checking accounts, buying and selling products, or furnishing an office. This section will provide the authority for the conduct of those kinds of activities so that the necessary security for the cover operation is provided. The new authority may be used only to support intelligence collection activities conducted abroad, and the intelligence committees must be informed each time a commercial entity is established. In addition, the provision contains a 5-year sunset clause which is intended to ensure that the need for the authority, and its operation in practice, are reviewed.

As the official U.S. defense presence declines in many parts of the world, the execution of the defense intelligence mission may depend to a greater degree than in the past on the ability to gain access to a country through the use of a nonofficial cover. The committee was persuaded that a valid need existed for a reliable nonofficial cover alternative for the Defense Department's human intelligence collectors. The proposal presented by the Department was well-developed and well-coordinated within the intelligence community. The committee was persuaded that the limited use envisioned by the Department for the authorities provided will adequately address current shortcomings in nonofficial cover arrangements.

In addition, I want to note section 505, which requires the Secretary of Defense to provide any Member of Congress with access to a certain classified report concerning the operation of the Defense Department's POW/MIA office.

Mr. Chairman, H.R. 1455 appropriately responds to the needs of our intelligence agencies for fiscal year 1991, and I urge its adoption.

□ 1530

Mr. SHUSTER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of this legislation. As my distinguished colleague and friend, the gentleman from Oklahoma and the chairman of the committee has indicated, this bill is a modified version of S. 2834, the fiscal year 1991 intelligence authorization

bill which was pocket vetoed by the President. There is one substantive difference between this bill and its vetoed predecessor. The entire oversight title of last year's bill, which contained the matters of overriding concern to the President, has been dropped from the present bill.

I commend the chairman for his efforts to get this regular intelligence authorization process back on track through the introduction and reporting of this cleaned up bill.

Opinions of the Presdent's veto differ. I feel that his major points of concern were justified. In particular, I can appreciate his great concern with the report language interpreting the statutory phrase, "notice in a timely fashion." As Members of this House may recall, during floor consideration of the conference report on the vetoed bill last year, I expressed very strong reservations about that particular language. And I was not alone in voting against the conference report at that time because of those reservations.

During the last Congress, the President thought he had an agreement with those leaders of the two intelligence committees who were proponents of the so-called 48-hour covert action notification legislation. Under that agreement, Congress would, in the oversight language in the vetoed bill, leave in place the standard in existing law which required notice in a timely fashion in those instances where prior notice is not given. That timely notice standard originated in the Hughes-Ryan amendment adopted in 1974, and until enactment of the existing 1980 oversight law was the only covert action notification standard. Under it, Congress received prior notice of nearly all covert actions. But also under the standard, President Carter, and I emphasize, a Democrat, President Carter deferred notice of two covert actions in support of the ill-fated Desert One hostage rescue mission and the covert action which successfully exfiltrated the six American diplomats given refuge by the Canadian Embassy in Tehran. Notice was deferred by President Carter, a Democrat, for several months in both cases. And indeed, we had testimony in open session from both his chief of the CIA, Admiral Turner, and his deputy, Secretary Carlucci, who indicated that there was no question but that the Canadian Government insisted that no one be informed because not only were Canadian lives involved, but American lives were involved as well.

The 1980 act clarified that prior notice is the norm, but after much debate within Congress and between the executive and legislative branches, the flexible and ambiguous language, "notice in a timely fashion," was purposely retained to govern those rare situations in which prior notice is deferred. That ambiguity was absolutely necessary to cover the fundamental and irreconcilable differences between the executive and legislative branches over the extent of the President's constitutional authority to defer reporting of a convert action. And, yes, the Constitution, in article II, section 1, is very clear that the executive, the President, has responsibility for foreign affairs. Indeed, Thomas Jefferson wrote that the transaction of business with foreign governments is executive altogether. It belonged then to the head of that department, the President of the United States.

□ 1540

In exchange for the reenactment of this existing statutory standard, rather than the inclusion of the restricted 48-hour type language that some wanted in the original fiscal year 1991 bill, the President agreed to provide these committee leaders with a letter assuring them of his intention to provide notice to Congress of covert action in a fashion sensitive to their concerns about the issue of timeliness in light of a December 1986 Justice Department opinion.

In pertinent part, the President's letter stated:

I anticipate that in almost all instances prior notice will be possible. In those rare instances where prior notice is not approved, I anticipate that notice will be provided within a few days. Any withholding beyond this period will be based upon my assertion of authority granted this Office by the Constitution.

Now, I know that is not good enough for some. There are some who would like to not only hobble our intelligence agencies, but also some who would like to hobble the President of the United States, particularly if he happens to be of the party of which he currently has been, and appears to continue to be for some time in the future.

There are those who would dredge up the old Iran-Contra arguments, and in fact we have heard today that the Iran-Contra scandal "nearly toppled our government."

Well, that is wishful thinking. Now, I do not question for a moment that there are some in this body who would have to have seen our Government topped, but, of course, that never happened. It never come close. Our Government was secure through those days, and our Government is secure today.

The President was understandably dismayed by the disturbing language in the joint explanatory statement of the managers on this particular issue, which purported to be the sole authoritative interpretation of the venerable statutory phrase "notice in a timely fashion."

Despite inconsistent legislative history from the floor debates on the 1980 act, this new interpretive report language said that notice in a timely fashion must be read in all cases without exception to permit the President to defer notification of a covert action for no more than a few days after it is first initiated.

Forget what President Carter did. Forget the situation we had in Iran during the hostage crisis. Forget our desire to protect and save those American lives. They would have hobbled us by this language.

That report language further limited the timely notice option by purporting to restrict the President's authority to defer notice for even those few days, in exigent circumstances, when a quick reaction to events was necessary.

In effect, that report language converted the agreed upon notice "in a timely fashion" bill language to the same formula as the highly objectionable 48-hour bill.

So much for what we thought was an agreement. The President was understandably unwilling to risk that this language might one day be judicially construed as new and binding legislative history, leaving him and his successors with a restricted 48-hour statutory requirement. He viewed this as infringing upon his constitutional authority.

In his veto message, the President especially singled out that part of the definition of covert action which stated that any request to a third party or private individual to conduct a covert action on behalf of the United States must be treated as a U.S. covert action. Discussions between United States and foreign officials considered to amount to such a request, however defined, would be subject to the intricate and formal requirements for the approval of a covert action. This would include obtaining a written intelligence finding, signed by the President, authorizing those discussions prior to their even commencing, and notifying Congress of the intended discussions.

When you stop and consider it carefully, the term "request" is not that precise or informative, standing alone, in the face of the scope and complexity of foreign affairs in today's world.

The brief reference to this provision in the joint explanatory statement of managers provided very little additional guidance in determining what sorts of discussion might constitute a covert request. It merely called for a specific request. A post-passage letter to the President from the chairmen of the two intelligence committees sought to somewhat better define what discussions would not be considered requests for covert action.

Of course, the opinions of two chairmen expressed outside of and after the legislative process, which culminated in the passage of the bill in question, would have dubious value, at best, as legislative history.

After fairly lengthy consideration, the President concluded in the context

of the complicated, sensitive, and confidential discussions with foreign governments, the possible breadth and vagueness of the term "request" left too much uncertainty as to when the covert action approval and reporting requirements would be invoked.

The President explained that this uncertainty could have chilling effect on the ability of our diplomats to conduct highly sensitive discussions concerning projects that are vital to our national security. Furthermore, the real existence of this provision could deter foreign governments from discussing certain topics with the United States at all.

The bottom line, he pointed out, is that consequently, this provision could seriously impair the effective conduct of our Nation's foreign relations.

It is not too difficult to envision this uncertainty at work. Consider the case of an animated confidential exchange between a United States and foreign official concerning a sensitive international threat to our two countries' mutual interests.

Suppose the U.S. official says, "We know you have the capability to mount a particular covert action, which we believe might neutralize this threat on behalf of both our vital interests. Why don't you undertake that specific covert action?"

Now, is that a request which is subject to the covert action approval and reporting requirement, or is it merely seeking an explanation of our ally's policy? Reasonable minds might reach different conclusions.

But if the poor U.S. official in a faraway foreign country, attempting to represent the United States in such a situation, has to constantly worry about whether such statements might later be determined to be an unlawful request for a third party covert action, he may well feel compelled to exercise stringent self-censorship, unconducive to the effective conduct of his foreign affairs responsibility.

Now, imagine that this hapless hypothetical individual is the Secretary of State, or the President himself, engaged in sensitive high level discussions with a foreign head of state. It does not take too much imagination to realize that there are those in this body who would like to haul these officials before this Congress in order to initiate an investigation into any such discussions.

In any event, the veto is behind us now. Hopefully the House will today put the normal authorization process back on track for the current fiscal year by passing this legislation without troublesome or disruptive amendments.

Enactment of this bill will provide authority for various agencies, which will enable them to better carry out their intelligence responsibilities, authorities which this body already approved last year. Some are potentially important, such as the commercial cover authority to provide a needed operational security for the overseas intelligence collection activities and components of the Defense Department.

Madam Chairman, in closing, I think it is important to say and emphasize that we salute those dedicated men and women in our intelligence services around the world for their contribution to freedom. Poland is free today in part because of the efforts of the men and women in our intelligence services. Eastern Europe is free today, in part because of the dedication of our intelligence services. Nicaragua is on the road to freedom. El Salvador, we hope, finally is on the road to freedom. Angola is very close to an agreement. And, yes, Desert Storm was achieved because of the tremendous competence of U.S. intelligence. In fact, the intelligence job performed by our men and women in the Persian Gulf ranks as the most extraordinary intelligence success story in the history of our country, and in the history of the world, and, as the months and years unfold, we will be able to tell in open session more of that story, which certainly needs to be told.

□ 1550

So I urge my colleagues to support this legislation today so that we might get on with the business of protecting the national security of our Nation.

Mr. MCCURDY. Madam Chairman, I am delighted to yield 8 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], who is the chairman of the Subcommittee on Legislation of the Permanent Select Committee on Intelligence, and has done an excellent job.

Mrs. KENNELLY. Madam Chairman, I rise in support of H.R. 1455, the Intelligence Authorization Act for Fiscal Year 1991.

I share the belief of Chairman MCCURDY that it is important that an intelligence authorization bill be enacted this year. I also share his regret that the differences which produced the pocket veto of the bill sent to the White House last November could not be resolved satisfactorily.

Those differences are not new. They have their roots in a disagreement that has been going on for more than a decade about what Congress should know about covert actions, and when Congress should know it. That disagreement reached its height in the Iran/Contra affair, when the existence of a covert action, about which Congress was never notified in the manner required by law, became known. In the years since the Iran/Contra relevations, both Intelligence Committees have reported measures to codify the procedures implemented by the Reagan and Bush administrations to respond to congressional concerns about those revelations. While none of those measures has been enacted, elements of them formed the basis for the language to which the President objected last fall.

The suggestion that there should be a statutory definition of covert action was first made by the CIA. While it was agreed that both Congress and the Executive had achieved an understanding of the kinds of activities to which the notification requirements for covert action should apply, the Agency argued that a statutory definition would be useful in tying down whatever loose ends existed in those understandings. However, as I understand it, the ground rules for the negotiations on the language for the definition included an acknowledgement that nothing already considered to be a covert action would be excluded.

In 1988, the House Intelligence Committee, reported a bill which contained a definition of covert action identical to the one in the conference report sent to the President last November. While the 1988 bill was not considered on the House floor for reasons unrelated to its contents, the Reagan administration did not object to the definition. Nor, I should add, did the Bush administration when the conference report on S. 2834 was on the floor last October. It was only later that we were told that the sentenced in the definition on third-party requests was unclear and likely to have a chilling effect on diplomatic exchanges. This assertion was made in spite of the fact that preliminary contacts to determine the feasibility of covert actions have never been considered to be covered by the Presidential reporting requirements.

It makes no sense to construct an elaborate system to ensure that both the President and the Congress are aware of covert actions conducted directly by the United States if, through the use of third parties, those same activities can be undertaken indirectly by elements of our Government without the President or Congress having to be told. Any statutory definition, it seems to me, must be broad enough to include all covert actions undertaken for the United States by third parties, whether the United States contribution to the activity is used to facilitate its completion, or to induce its implementation.

The issue of "timely notice" has also been contentious. In 1980, the National Security Act was amended to require congressional notification of significant anticipated intelligence activities, including covert actions. While the statutory notification provisions clearly assume that Congress will be provided with notice of most covert actions prior to their implementation, the President's ability to defer notice is just as clearly acknowledged. When notice is delayed, however, the statute requires that it be provided "in a time-

ly fashion." While much of the debate in 1980 concerned those circumstances in which notice could be delayed, the term "in a timely fashion" was not defined.

In 1986, a memorandum from the Justice Department's Office of Legal Counsel, the Cooper memorandum, concluded that for a number of reasons, including powers granted his office by the Constitution and authorities conveyed by the 1980 amendments to the National Security Act, a President has "virtually unfettered discretion" to determine what constitutes timely notice. While Congress cannot affect a President's constitutional powers, I believe that Congress has the right, and the responsibility, to make clear the extent of the authorities being granted by statute.

S. 2834 sought to reenact the 1980 congressional notification requirements. The report which accompanied the Senate version of the bill, which passed in August of 1990, contained a rejection of the Cooper memorandum, and a statement that nothing in the statute authorized the withholding of notice beyond a few days. The administration never objected to this language. The conference report said substantially the same thing, and we were advised on the floor of the House last October that it would be signed. Some weeks later we learned that the effort by Congress to clarify not what a statute authorized, but what it didn't authorize, was unacceptable to the President. An offer by Chairman MCCURDY several weeks ago to accept the language in the original Senate report, which had not been found wanting until then, was rejected.

Madam Chairman, I was pleased when, in a letter to the committee's former chairman, Congressman BEILENSON, President Bush stated that he anticipated being able to provide delayed notice of covert actions within a few days, and on those occasions when he could not, that he would assert constitutional powers as the reason for so doing. That statement is indistinguishable from the language adopted by the Senate in its report on S. 2834, and by both Intelligence committees in the conference report on the bill. In spite of that, the administration refused to allow the report accompanying the bill now before us to contain language making the same point, through a rejection of the Cooper memorandum's conclusion.

Like Chairman MCCURDY, I am disappointed that we could not reach an agreement with the administration on the oversight issues which divided us. There is much in the oversight title of S. 2834 that should be done to ensure that the oversight process will be as vigorous as it should be. But to accept as a compromise a solution which would be less than the status quo on the important issues in dispute would have been a mistake. Under the circumstances, H.R. 1455 without an oversight title is the clear choice, and I urge my colleagues to support it.

Mr. SHUSTER. Madam Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Madam Chairman, I rise in support of H.R. 1455. This is a bill that all of our colleagues on both sides of the aisle can support. I commend the leadership of the distinguished gentleman from Oklahoma [Mr. MCCURDY], our new chairman, who has brought to the floor a clean bill stripped of the sections that caused the pocket veto by the President.

It is important that we enact an authorization bill in this fiscal year. The distinguished ranking minority member, the gentleman from Pennsylvania [Mr. SHUSTER] has outlined the reasons for our minority views on this bill and underscored the President's rationale for the veto of the previous legislation. I will not reiterate.

As the committee that deals with some of the Nation's most sensitive secrets, there is still relatively little we can discuss openly on the floor. There are two matters, however, that I would like to raise at this occasion.

□ 1600

This might be an appropriate point, first, to offer a commendation to the Defense Mapping Agency. That agency, scarcely known by the public, provided all of the maps for our forces operating in Desert Storm. This was a massive undertaking, but one which DMA fulfilled very admirably.

The rapid offensive movement across the barren Iraqi desert would not have been possible without adequate maps and accurate maps produced in huge quantities and on short order. I strongly commend the leadership and staff of the DMA for their outstanding contributions to our victory. It is one of the few times that you could commend these people who work so hard out of the public spotlight.

During the spring recess, this Member also had an opportunity to fly to Jamba, the capital of free Angola, where I met with Dr. Jonas Savimbi. As the Members will recall, last fall we had a long and devisive debate on Angola, which ultimately led to the adoption of the Solarz amendment by the closest of votes—207 to 206. Since that time, this Member has monitored developments in Angola. I am pleased to report that there has been substantial progress in the negotiations between President Savimbi's party, Unita, and President Dos Santos and his party, the MPLA. Much still needs to be accomplished, but prospects are bright for a cease-fire and an agreement to hold free, internationally supervised elections. President Savimbi is committed to free and fair elections, something he was denied 15 years ago. The only way this option will fail is if the MPLA turns its back on the negotiating process, as it did in February, and decides to return to the misguided option of further fighting.

Finally, as a member of the Intelligence Committee, I, of course, have had an opportunity to meet with many and learn about a great many of our people in the intelligence community. They are highly motivated, partriotic Americans, and in some ways, while usually unrecognized for the specific contributions they make, they are America's first line of defense. They monitored developments before and after the Iraqi invasion of Kuwait. Despite any criticism heard, they, in fact, did a remarkable job that was decisive in the victory. As a result of their dedicated efforts and long hours of work, our policymakers were kept well informed.

General Schwarzkopf had the necessary intelligence to successfully mount the Desert Storm offense. The general described the strategic intelligence he received, when I visited with him with other Members in Saudi Arabia, that intelligence received before the land conflict, as "excellent," while noting important deficiencies in tactical photo-reconnaissance aircraft and a few other areas. That concern and others are being carefully considered by the Intelligence Committee, and we will try to take action as necessary.

Madam Chairman, in conclusion, let me reiterate my appreciation to the leadership on our committee, the gentleman from Oklahoma [Mr. MCCURDY], the gentleman from Pennsylvania [Mr. SHUSTER], and others.

It is my intention to vote for passage of this legislation, and I urge my colleagues to do likewise.

Mr. MCCURDY. Madam Chairman, I yield 5½ minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON], a very engaged and involved member of the Intelligence Committee.

Mr. RICHARDSON. Madam Chairman, my compliments to the chairman, the gentleman from Oklahoma [Mr. MCCURDY] and the gentleman from Pennsylvania [Mr. SHUSTER] for their leadership in this committee and to the chairman, the gentleman from Oklahoma [Mr. MCCURDY], for his auspicious start, very frankly addressing and respecting the view of the Congress when it comes to foreign policy and intelligence.

Madam Chairman, like others who have spoken today, I am concerned that it is necessary to reconsider the fiscal year 1991 intelligence authorization bill. When the veto of the conference agreement on S. 2834 was announced last November, I felt that the President's decision was based on bad advice. I have yet to hear a compelling justification for that decision which would cause me to reconsider my initial judgment.

Tension is always going to exist between the President and the Congress on the subject of covert action. Presidents view covert actions, like foreign policy, as their exclusive domain and, if given a choice, I'm sure they would opt for no congressional scrutiny of either. Congress, on the other hand, is properly offended when it is asked to fund covert actions about which it has little information, or when it only learns the full details of operations after they have become embarrassing failures. If Congress is not to provide prior approval for covert actions, it must at least have sufficient information in a timely manner to enable it to determine if funding for a particular operation should continue. Put more simply, if Congress is to be involved in the crash landings of unsuccessful covert actions, it should be in on the takeoffs as well.

Last fall, we sent the President a conference report which would have substantially improved our ability to oversee covert actions. In spite of assurances given on this floor that the bill would be signed, the President ultimately objected to two provisions. These provisions were not new. One, on the definition of covert action, had been around for 3 years. The other, clarifying what is meant by the term "timely notice," had been considered and adopted on the Senate floor, without any objection from the administration, just 3 months before the veto. Despite that history, the President, at the last possible moment, was persuaded that the provisions would do great harm to the powers of his office.

It is difficult to understand why. The definition of covert action in the conference agreement sought to include those instances in which elements of our government specifically request that private citizens or foreign governments undertake a covert action for us. Why shouldn't Congress know about that? Why shouldn't we know when diplomatic concessions, or trade benefits, or foreign aid are conditioned upon another government's conducting a covert action for the United States? The administration maintains that the language was too confusing for our diplomats, and that it would inhibit their conversations with their counterparts from other nations. I believe that if we have diplomats who can't understand what was meant by the third party request sentence in the proposed definition, and the report language which amplified it, the fate of U.S. diplomacy is in questionable hands.

Just as the extent of Congress' information about covert actions is important, so too is the timing of when that information is to be provided. The law requires that, if Congress is not notified about a covert action before it starts, notice is to be provided in a timely fashion. In 1986, the Justice Department interpreted that law, and the Constitution, as leaving it up to the President alone to determine when after-the-fact notice was to be provided. Last year, we tried to register our judgment that that interpretation, at least insofar as it pertains to authorities provided by the statute, was just plain wrong. The President had acknowledged that point in a letter he sent to former Chairman BEILENSON last summer. But when it came to saying essentially the same thing in the conference report, we were told that we were trampling on sacred legislative ground.

Madam Chairman, the notification issue is serious, as is the issue of how a definition of covert action should be codified. Each of these issues raises important institutional concerns for the Congress. While it is regrettable that we could not reach an agreement with the administration that adequately addressed those concerns, no agreement on these issues is better than an agreement detrimental to the interest of Congress. For that reason, I strongly support H.R. 1455.

Mr. MCCURDY. Madam Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. LANCASTER], a member of the Committee on Armed Services.

Mr. LANCASTER. Madam Chairman, I rise to speak in support of the POW/MIA provision in the bill that would require the administration to provide complete access to Congress of the Defense Intelligence Agency report on United States Prisoners of War/Missing in Action in Vietnam, known as the Tighe Report. As of the middle of February of this year, 2,282 Americans remain unaccounted for in Indochina. I believe that it is important for the Congress to be made fully aware of the general's findings concerning the United States efforts to get to the bottom of our missing American servicemen. I am cochair of the Vietnam Era Veterans in Congress. My good friend and colleague, the gentleman from Illinois [Mr. EVANS], serves as chair of that coalition. It is important to continue to focus our Government's efforts on a satisfactory accounting of those missing as a result of having served in Vietnam and Southeast Asia. I feel that the loved ones of those who have served and have never returned also want as complete a report as possible of the efforts and methodology of the work of their Government.

I represent a congressional district that has numerous individuals who are active in the POW/MIA issue. Two were imprisoned in Laos for their activities. Whether you agree or disagree with their approach, the issue is the same. We, in Congress and the administration, must do whatever is necessary to make certain that we do not forget nor abandon those who have served in an unpopular war half way around the world. I join with my colleagues on both sides of the aisle in supporting this provision.

□ 1610

Mr. MCCURDY. Madam Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Madam Chairman, I would like to take this opportunity to follow up on what our friend from North Carolina [Mr. LANCASTER] was saying, and to use this opportunity to share and exchange some thoughts with the chairman of the committee.

In my own State, several of my constituents have been to visit with me, people who served as I did in Southeast Asia. They raised concerns, disquieting concerns, about the possibility of our men still being held in Southeast Asia after almost two decades, suggesting that our Government not only does not care about them, but actively covers up their continued presence in Southeast Asia. Those are things that no Member in this body, no Member in this Congress, would like to believe.

I have tried in recent weeks to learn more about this particular issue. The gentleman from North Carolina [Mr. LANCASTER] referred to the Tighe Commission report. I have been briefed on it by the D.I.A., and I have met with State Department officials to be brought up to speed on where we are in terms of activities to recover remains in Vietnam and to recover remains in Laos. I am modestly encouraged by what I have learned. I do not think that word of these ongoing activities is being shared very well with people in this country, however.

For example, since 1983, a total of 17 excavation teams have been into Laos, a country with whom we have full diplomatic relations, and the number of excavating teams in Vietnam since 1988 is 13. We also will open an office in Hanoi in the next several weeks to try to put greater pressure on the Vietnamese who have not been cooperative in sharing archival information and other information, so that we can better point our excavation teams to the right places to search.

I think the administration needs to do a much better job, and perhaps this committee could be helpful, in letting the American people know what has been done and what is being done to determine once and for all the status of our POW's and MIA's. Perhaps we should take the press in with the excavation teams or invite veterans groups to send observers. That is the kind of thing I think would be helpful, rather than let the American people believe little is being done and that it is a hidden, secretive sort of undertaking. Open it up. I do not think we have anything to hide. We should fully disclose the activities that are going on and make sure Americans know about them.

Mr. McCURDY. Madam Chairman, I yield myself 30 additional seconds. I commend the gentleman from Delaware for his efforts, and I applaud him for his concern. I share his concern, and have in my tenure on the Committee on Intelligence had a number of opportunities to pursue this issue with the relevant agencies, and will continue to do so.

I agree that the administration has within its power the ability to better inform the public as to what is actually going on, vis-a-vis the MIA/POW issue, and it is a great concern for all Americans.

I think there is a great deal of misconception, and perhaps even some misinformation at large, but I hope we can take steps to resolve that.

Mr. SHUSTER. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Madam Chairman, I would like to enter into this debate and speak to the POW/MIA issue.

I have been involved in this POW/MIA issue since 1951, when I served in the U.S. Marine Corps. I can tell Members, speaking as a former chairman of the bipartisan POW/MIA Task Force, this is a longstanding issue. It has always been American foreign policy to never leave our soldiers overseas, to always account for them. We have done that. As a matter of fact, in 1980 when President Reagan took office, he reopened the whole POW/MIA issue from the Vietnam era. We have had a bipartisan effort, working on both sides of the aisle, dealing with this problem, which has resulted in bringing home a number of remains of our missing soldiers. Just recently, the chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY] and myself went to Korea and brought home the remains of five fallen soldiers from 40 years ago. So yes, we do want to continue this effort.

I would point out one thing that might be pending before this House, and we have heard some people mention it before. That is, a 48-hour notification rule on covert activities. In other words, the administration would be telling this Congress 48 hours in advance what we are doing to undertake as far as covert activity is concerned.

I would remind Members on both sides of the aisle that if that amendment comes up here today, and if we have covert activity right now in Southeast Asia and we find there are Americans alive over there, that we want to go get them now. We do not want to wait 48 hours, or 2 weeks, or 2 months. I hope that amendment, if it is offered on the floor, will go down to the kind of defeat that it deserves.

Mr. McCURDY. Madam Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Madam Chairman, just stating again for the record, the 48-hour provision, first of all, my understanding is there is not going to be an amendment offering that, but even then it would be 48 hours, it would be timely notice, after the commencement. This committee has no authority and no ability to stop a planned covert act of the President. It is a question of being notified on a timely basis, after the commencement of that operation. It is not 48 hours before. We are not trying to hold it up.

I want to state that for the record.

Mr. SOLOMON. Madam Chairman, I thank the gentleman for the clarification. I am greatly relieved that that amendment will not be offered.

Mr. SHUSTER. Madam Chairman, I yield back the balance of my time.

Mr. McCURDY. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill is considered under the 5-minute rule by title and each title is considered as read.

The amendments printed in the report to the bill are considered as having been adopted and are considered as original text for the purpose of further amendment.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

That this Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1991".

The CHAIRMAN. Are there amendments to section 1?

Mr. McCURDY. Madam Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The text of the remainder of the bill, as amended, is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1991 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1991, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany H.R. 1455 of the One Hundred Second Congress.

(b) The Schedule of Authorizations described in subsection (a) shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1991 under sections 102 and 202 of this Act when he determines that such action is necessary for the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percent of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1991 the sum of $27,900,000, of which $6,580,000 shall be available for the Security Evaluation Office.

SEC. 202. AUTHORIZATION OF PERSONNEL END-STRENGTH.

(a) AUTHORIZED PERSONNEL LEVEL.—The Intelligence Community Staff is authorized 240 full-time personnel as of September 30, 1991, including 50 full-time personnel who are authorized to serve in the Security Evaluation Office. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) REPRESENTATION OF INTELLIGENCE ELEMENTS.—During fiscal year 1991, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) REIMBURSEMENT.—During fiscal year 1991, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

SEC. 203. INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.

During fiscal year 1991, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM AND RELATED PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1991 the sum of $164,600,000.

SEC. 302. CIA FORMER SPOUSE QUALIFYING TIME.

Section 204(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting before the period at the end of paragraph (4) "during the participant's service as an employee of the Central Intelligence Agency".

SEC. 303. ELIMINATION OF 15-YEAR CAREER REVIEW FOR CERTAIN CIA EMPLOYEES.

Section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by striking out the second sentence and inserting in lieu thereof the following: "Any officer or employee who elects to accept designation as a participant entitled to the benefits of the system shall remain a participant of the system for the duration of his or her employment with the Agency. Such election shall be irrevocable except as and to the extent provided in section 301(d) of this Act and shall not be subject to review or approval by the Director.".

SEC. 304. SURVIVOR ANNUITIES UNDER CIARDS FOR SPOUSES OF REMARRIED, RETIRED PARTICIPANTS.

(a) CALCULATION OF REDUCTION IN ANNUITIES.—Section 221(n) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting "or elected under section 226(e)" after "(unless such reduction is adjusted under section 222(b)(5))".

(b) ELECTION OF REDUCTION IN ANNUITY.—Section 226 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end the following new subsection:

"(e) Upon remarriage occurring on or after the date of the enactment of this subsection to a spouse other than the spouse at the time of retired, a retirement participant whose annuity was not reduced (or was not fully reduced) to provide a survivor annuity for the participant's spouse or former spouse as of the time of retirement may irrevocably elect, by means of a signed writing received by the Director within one year after such remarriage, a reduction in the retired participant's annuity for the purpose of providing an annuity for such retired participant's spouse in the event such spouse survives the retired participant. The reduction shall be effective the first day of the month which begins nine months after the date of remarriage. For any remarriage that occurred before the date of the enactment of this subsection, the retired participant may make such an election within two years after such date. To the greatest extent practicable, the retired participant shall pay a deposit under the same terms and conditions as those prescribed for retired employees under the Civil Service Retirement and Disability System under section 8339(j)(5)(C)(ii) of title 5, United States Code. A survivor annuity elected under this subsection shall be treated in all respects as a survivor annuity under section 221(b).".

(c) CONFORMING AMENDMENT.—Section 226(d) of such Act is amended by striking out "This" and inserting in lieu thereof "Subsections (a) through (c) of this".

SEC. 305. REDUCTION OF REMARRIAGE AGE.

(a) REDUCTION OF REMARRIAGE AGE FOR SURVIVOR AND RETIREMENT BENEFITS.—The Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in section 221—

(A) in subsections (b)(1)(A) and (b)(3)(C), by striking out "age 60" each place it appears and inserting in lieu thereof "age 55"; and

(B) in subsection (g)(1), by striking out "age sixty" each place it appears and inserting in lieu thereof "age 55";

(2) in section 222—

(A) by striking out "60 years of age" each place it appears in subsections (a)(2), (a)(3)(A), and (b)(2) and inserting in lieu thereof "55 years of age"; and

(B) by striking out "age 60" each place it appears in subsections (b)(3), (b)(5)(A), (c)(3)(C), (c)(3)(D), and (c)(4) and inserting in lieu thereof "age 55"; and

(3) in section 232(b)(1), by striking out "attaining age sixty" in the last sentence and inserting in lieu thereof "attaining age 55".

(b) EFFECTIVE DATE OF AMENDMENTS.—(1) The amendments made by subsection (a) relating to widows or widowers shall apply in the case of a surviving spouse's remarriage occurring on or after July 27, 1989, and with respect to periods beginning after such date.

(2) The amendments made by subsection (a) relating to former spouses shall apply with respect to any former spouse whose remarriage occurs after the date of enactment of this Act.

SEC. 306. ELECTION BETWEEN CIARDS ANNUITY AND OTHER SURVIVOR ANNUITIES.

Section 221(g) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end the following new paragraph:

"(3) A surviving spouse who married a participant after his or her retirement shall be entitled to a survivor annuity payable from the fund under this title only upon electing this annuity instead of any other survivor benefit to which he or she may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.".

SEC. 307. RESTORATION OF FORMER SPOUSE BENEFITS AFTER DISSOLUTION OF REMARRIAGE.

(a) SURVIVOR ANNUITY.—Section 224 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (b)(1), by inserting ", except that the entitlement of the former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce" after "fifty-five";

(2) in subsection (c)(1)(B), by inserting ", except that the entitlement of the former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce" after "fifty-five"; and

(3) by adding at the end thereof the following new subsection:

"(e) Notwithstanding subsection (c)(2)(A) of this section, the thirty-month application requirement for a survivor annuity under this section to be payable shall not apply in cases in which a former spouse's entitlement to such a survivor annuity is restored under subsection (b)(1) or (c)(1)(B) of this section.".

(b) RETIREMENT BENEFITS.—Section 225 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (b)(1), by inserting ", except that the entitlement of the former spouse to benefits under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce" after "fifty-five";

(2) in subsection (c)(1)(B)(i), by inserting ", except that the entitlement of the former spouse to benefits under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce" after "fifty-five years of age";

(3) by redesignating subsection (e) as subsection (f); and

(4) by adding after subsection (d) the following new subsection (e):

"(e) Notwithstanding subsection (c)(4)(A) of this section, the thirty-month application requirement for benefits under this section to be payable shall not apply in cases in which a former spouse's entitlement to such benefits is restored under subsection (b)(1) or (c)(1)(B) of this section.".

(c) HEALTH BENEFITS.—Section 16(c) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding after paragraph (2) the following new paragraph:

"(3)(A) A former spouse who is not eligible to enroll or to continue enrollment in a health benefits plan under this section solely because of remarriage before age fifty-five shall be restored to such eligibility on the date such remarriage is dissolved by death, annulment, or divorce.

"(B) A former spouse whose eligibility is restored under subparagraph (A) may, under regulations which the Director of the Office of Personnel Management shall prescribe, enroll in a health benefits plan if such former spouse—

"(i) was an individual referred to in paragraph (1) and was an individual covered under a benefits plan as a family member at any time during the 18-month period before the date of dissolution of the marriage to the Agency employee or annuitant; or

"(ii) was an individual referred to in paragraph (2) and was an individual covered under a benefits plan immediately before the remarriage ended the enrollment.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1990. No benefits provided pursuant to the amendments made by this section shall be payable with respect to any period before such date.

(e) COMPLIANCE WITH BUDGET ACT.—Any new spending authority (within the meaning of section 401(c) of the Congressional Budget Act of 1974) provided pursuant to the amendments made by this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

TITLE IV—GENERAL PROVISIONS

SEC. 401. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 402. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

SEC. 403. TREATMENT OF CERTAIN ALIEN EMPLOYEES IN HONG KONG.

(a) AUTHORITY.—In applying the proviso of section 7 of the Central Intelligence Agency Act of 1949, in the case of an alien described in subsection (b), the Director may charge the entry of the alien against the numerical limitation for any fiscal year (beginning with fiscal year 1991 and ending with fiscal year 1996) notwithstanding that the alien's entry is not made to the United States in that fiscal year so long as such entry is made before the end of fiscal year 1997.

(b) ELIGIBLE ALIENS.—An alien eligible under subsection (a) is an alien who—

(1) is an employee of the Foreign Broadcast Information Service in Hong Kong; or

(2) is the spouse or child of an alien described in paragraph (1) if accompanying or following to join the alien in coming to the United States.

SEC. 404. EXCEPTED POSITIONS FROM THE COMPETITIVE SERVICE.

Section 621 of the Department of Energy Organization Act (42 U.S.C. 7231) is amended by adding at the end thereof the following new subsection:

"(f) All positions in the Department which the Secretary determines are devoted to intelligence and intelligence-related activities of the United States Government are excepted from the competitive service, and the individuals who occupy such positions as of the date of enactment of this Act shall, while employed in such positions, be exempt from the competitive service.".

SEC. 405. INTELLIGENCE COMMUNITY CONTRACTING.

(a) POLICY CONCERNING PRODUCTS PRODUCED IN THE UNITED STATES.—The Director of Central Intelligence shall direct that elements of the Intelligence Community, whenever compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should award contracts in a manner that would maximize the procurement of products produced in the United States.

(b) DEFINITION.—For purposes of this section, the term "Intelligence Community" has the same meaning as set forth in paragraph 3.4(f) of Executive Order 12333, dated December 4, 1981, or successor orders.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE PROVISIONS

SEC. 501. REIMBURSEMENT RATE FOR CERTAIN AIRLIFT SERVICES.

(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2642. Reimbursement rate for airlift services provided to Central Intelligence Agency

"(a) AUTHORITY.—The Secretary of Defense may authorize the use of the Department of Defense reimbursement rate for military airlift services provided by a component of the Department of Defense to the Central Intelligence Agency, if the Secretary of Defense determines that those military airlift services are provided for activities related to national security objectives.

"(b) DEFINITION.—In this section, the term 'Department of Defense reimbursement rate' means the amount charged a component of the Department of Defense by another component of the Department of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2642. Reimbursement rate for airlift services provided to Central Intelligence Agency.".

SEC. 502. PUBLIC AVAILABILITY OF MAPS, ETC., PRODUCED BY DEFENSE MAPPING AGENCY.

(a) IN GENERAL.—(1) Chapter 167 of title 10, United States Code, is amended by adding at the end the following new section:

"§2796. Maps, charts, and geodetic data: public availability; exceptions

"(a) The Defense Mapping Agency shall offer for sale maps and charts at scales of 1:500,000 and smaller, except those withheld in accordance with subsection (b) or those specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive order.

"(b)(1) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any geodetic product in the possession of, or under the control of, the Department of Defense—

"(A) that was obtained or produced, or that contains information that was provided, pursuant to an international agreement that restricts disclosure of such product or information to government officials of the agreeing parties or that restricts use of such product or information to government purposes only;

"(B) that contains information that the Secretary of Defense has determined in writing would, if disclosed, reveal sources and methods used to obtain source material for production of the geodetic product; or

"(C) that contains information that the Director of the Defense Mapping Agency has determined in writing would, if disclosed, reveal military operational or contingency plans.

"(2) In this subsection, the term 'geodetic product' means any map, chart, geodetic data, or related product.

"(c)(1) Regulations to implement this section (including any amendments to such regulations) shall be published in the Federal Register for public comment for a period of not less than 30 days before they take effect.

"(2) Regulations under this section shall address the conditions under which release of geodetic products authorized under subsection (b) to be withheld from public disclosure would be appropriate—

"(A) in the case of allies of the United States; and

"(B) in the case of qualified United States contractors (including contractors that are small business concerns) who need such products for use in the performance of contracts with the United States.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2796. Maps, charts, and geodetic data: public availability; exceptions.".

(b) DEADLINE FOR INITIAL REGULATIONS.—Regulations to implement section 2796 of title 10, United States Code, as added by subsection (a), shall be published in the Federal Register for public comment in accordance with subsection (c) of that section not later than 90 days after the date of the enactment of this Act.

SEC. 503. POST-EMPLOYMENT ASSISTANCE FOR CERTAIN NSA EMPLOYEES.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end thereof the following new section:

"SEC. 17. (a) Notwithstanding any other law, the Director of the National Security Agency may use appropriated funds to assist employees who have been in sensitive positions who are found to be ineligible for continued access to Sensitive Compartmented Information and employment with the Agency, or whose employment has been terminated—

"(1) in finding and qualifying for subsequent employment,

"(2) in receiving treatment of medical or psychological disabilities, and

"(3) in providing necessary financial support during periods of unemployment,

if the Director determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had access. Assistance provided under this section for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

"(b) The Director of the National Security Agency shall report annually to the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this section.".

SEC. 504. USE OF COMMERCIAL ACTIVITIES AS COVER SUPPORT TO INTELLIGENCE COLLECTION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 21 of title 10, United States Code, is amended—

(1) by inserting after the chapter heading the following:

"Subchapter Sec.
"I. General Matters 421
"II. Intelligence Commercial Activities 431
"SUBCHAPTER I—GENERAL MATTERS";

and

(2) by adding at the end the following:

"SUBCHAPTER II—INTELLIGENCE COMMERCIAL ACTIVITIES

"431. Authority to engage in commercial activities as security for intelligence collection activities.
"432. Use, disposition, and auditing of funds.
"433. Relationship with other Federal laws.
"434. Reservation of defenses and immunities.
"435. Limitations.
"436. Regulations.
"437. Congressional oversight.

"§ 431. Authority to engage in commercial activities as security for intelligence collection activities

"(a) AUTHORITY.—The Secretary of Defense, subject to the provisions of this subchapter, may authorize the conduct of those commercial activities necessary to provide security for authorized intelligence collection activities abroad undertaken by the Department of Defense. No commercial activity may be initiated pursuant to this subchapter after December 31, 1995.

"(b) INTERAGENCY COORDINATION AND SUPPORT.—Any such activity shall—

"(1) be coordinated with, and (where appropriate) be supported by, the Director of Central Intelligence; and

"(2) to the extent the activity takes place within the United States, be coordinated with, and (where appropriate) be supported by, the Director of the Federal Bureau of Investigation.

"(c) DEFINITIONS.—In this subchapter:

"(1) The term 'commercial activities' means activities that are conducted in a manner consistent with prevailing commercial practices and includes—

"(A) the acquisition, use, sale, storage and disposal of goods and services;

"(B) entering into employment contracts and leases and other agreements for real and personal property;

"(C) depositing funds into and withdrawing funds from domestic and foreign commercial business or financial institutions;

"(D) acquiring licenses, registrations, permits, and insurance; and

"(E) establishing corporations, partnerships, and other legal entities.

"(2) The term 'intelligence collection activities' means the collection of foreign intelligence and counterintelligence information.

"§ 432. Use, disposition, and auditing of funds

"(a) USE OF FUNDS.—Funds generated by a commercial activity authorized pursuant to this subchapter may be used to offset necessary and reasonable expenses arising from that activity. Use of such funds for that purpose shall be kept to the minimum necessary to conduct the activity concerned in a secure manner. Any funds generated by the activity in excess of those required for that purpose shall be deposited, as often as may be practicable, into the Treasury as miscellaneous receipts.

"(b) AUDITS.—(1) The Secretary of Defense shall assign an organization within the Department of Defense to have auditing responsibility with respect to activities authorized under this subchapter.

"(2) That organization shall audit the use and disposition of funds generated by any commercial activity authorized under this subchapter not less often than annually. The results of all such audits shall be promptly reported to the intelligence committees (as defined in section 437(d) of this title).

"§ 433. Relationship with other Federal laws

"(a) IN GENERAL.—Except as provided by subsection (b), a commercial activity conducted pursuant to this subchapter shall be carried out in accordance with applicable Federal law.

"(b) AUTHORIZATION OF WAIVERS WHEN NECESSARY TO MAINTAIN SECURITY.—(1) If the Secretary of Defense determines, in connection with a commercial activity authorized pursuant to section 431 of this title, that compliance with certain Federal laws or regulations pertaining to the management and administration of Federal agencies would create an unacceptable risk of compromise of an authorized intelligence activity, the Secretary may, to the extent necessary to prevent such compromise, waive compliance with such laws or regulations.

"(2) Any determination and waiver by the Secretary under paragraph (1) shall be made in writing and shall include a specification of the laws and regulations for which compliance by the commercial activity concerned is not required consistent with this section.

"(3) The authority of the Secretary under paragraph (1) may be delegated only to the Deputy Secretary of Defense, an Under Secretary of Defense, an Assistant Secretary of Defense, or a Secretary of a military department.

"(c) FEDERAL LAWS AND REGULATIONS.—For purposes of this section, Federal laws and regulations pertaining to the management and administration of Federal agencies are only those Federal laws and regulations pertaining to the following:

"(1) The receipt and use of appropriated and nonappropriated funds.

"(2) The acquisition or management of property or services.

"(3) Information disclosure, retention, and management.

"(4) The employment of personnel.

"(5) Payments for travel and housing.

"(6) The establishment of legal entities or government instrumentalities.

"(7) Foreign trade or financial transaction restrictions that would reveal the commercial activity as an activity of the United States Government.

"§ 434. Reservation of defenses and immunities

"The submission to judicial proceedings in a State or other legal jurisdiction, in connection with a commercial activity undertaken pursuant to this subchapter, shall not constitute a waiver of the defenses and immunities of the United States.

"§ 435. Limitations

"(a) LAWFUL ACTIVITIES.—Nothing in this subchapter authorizes the conduct of any intelligence activity that is not otherwise authorized by law or Executive order.

"(b) DOMESTIC ACTIVITIES.—Personnel conducting commercial activity authorized by this subchapter may only engage in those activities in the United States to the extent necessary to support intelligence activities abroad.

"(c) PROVIDING GOODS AND SERVICES TO THE DEPARTMENT OF DEFENSE.—Commercial activity may not be undertaken within the United States for the purpose of providing goods and services to the Department of Defense, other than as may be necessary to provide security for the activities subject to this subchapter.

"(d) NOTICE TO UNITED STATES PERSONS.—(1) In carrying out a commercial activity authorized under this subchapter, the Secretary of Defense may not permit an entity engaged in such activity to employ a United States person in an operational, managerial, or supervisory position, and may not assign or detail a United States person to perform operational, managerial, or supervisory duties for such an entity, unless that person is informed in advance of the intelligence security purpose of that activity.

"(2) In this subsection, the term 'United States person' means an individual who is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence.

"§ 436. Regulations

"The Secretary of Defense shall prescribe regulations to implement the authority provided in this subchapter. Such regulations shall be consistent with this subchapter and shall at a minimum—

"(1) specify all elements of the Department of Defense who are authorized to engage in commercial activities pursuant to this subchapter;

"(2) require the personal approval of the Secretary or Deputy Secretary of Defense for all sensitive activities to be authorized pursuant to this subchapter;

"(3) specify all officials who are authorized to grant waivers of laws or regulations pursuant to section 433(b) of this title, or to approve the establishment or conduct of commercial activities pursuant to this subchapter;

"(4) designate a single office within the Defense Intelligence Agency to be responsible for the management and supervision of all activities authorized under this subchapter;

"(5) require that each commercial activity proposed to be authorized under this subchapter be subject to appropriate legal review before the activity is authorized; and

"(6) provide for appropriate internal audit controls and oversight for such activities.

"§ 437. Congressional oversight

"(a) PROPOSED REGULATIONS.—Copies of regulations proposed to be prescribed under section 436 of this title (including any proposed revision to such regulations) shall be submitted to the intelligence committees not less than 30 days before they take effect.

"(b) CURRENT INFORMATION.—Consistent with title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), the Secretary of Defense shall ensure that the intelligence committees are kept fully and currently informed of actions taken pursuant to this subchapter, including any significant anticipated activity to be authorized pursuant to this subchapter. The Secretary shall promptly notify the appropriate committees of Congress whenever a corporation, partnership, or other legal entity is established pursuant to this subchapter.

"(c) ANNUAL REPORT.—Not later than January 15 of each year, the Secretary shall submit to the appropriate committees of Congress a report on all commercial activities authorized under this subchapter that were undertaken during the previous fiscal year. Such report shall include (with respect to the fiscal year covered by the report)—

"(1) a description of any exercise of the authority provided by section 433(b) of this title;

"(2) a description of any expenditure of funds made pursuant to this subchapter (whether from appropriated or non-appropriated funds); and

"(3) a description of any actions taken with respect to audits conducted pursuant to section 432 of this title to implement recommendations or correct deficiencies identified in such audits.

"(d) INTELLIGENCE COMMITTEES DEFINED.—In this section, the term 'intelligence committees' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.".

(b) EFFECTIVE DATE.—The Secretary of Defense may not authorize any activity under section 431 of title 10, United States Code, as added by subsection (a), until the later of—

(1) the end of the 90-day period beginning on the date of the enactment of this Act; or

(2) the effective date of regulations first prescribed under section 436 of such title, as added by subsection (a).

SEC. 505. DISCLOSURE TO MEMBERS OF CONGRESS OF A CLASSIFIED DEFENSE INTELLIGENCE AGENCY REPORT RELATING TO MILITARY PERSONNEL LISTED AS PRISONER, MISSING, OR UNACCOUNTED FOR.

The Secretary of Defense shall provide to any Member of Congress, upon request, full and complete access to the classified report of the Defense Intelligence Agency commonly known as the Tighe Report, relating to efforts by the Special Office for Prisoners of War/Missing in Action of the Defense Intelligence Agency to fully account for United States military personnel listed as prisoner, missing, or unaccounted for in military actions. The Secretary may withhold from disclosure under the preceding sentence any material that in the judgment of the Secretary would compromise sources and methods of intelligence.

AMENDMENT OFFERED BY MR. MCCURDY

Mr. McCURDY. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCURDY: Strike out section 403 (page 14, lines 7 through 24). Redesignate the following sections accordingly.

Mr. McCURDY. Madam Chairman, section 403 of the bill provides the Director of Intelligence with the authorities needed to facilitate the entry into the United States of certain United States Government employees in Hong Kong. The section is substantially the same as a provision in the Immigration Act of 1990 which was enacted late last year.

To avoid confusion, and at the request of the chairman of the Committee on the Judiciary, I am offering this amendment to strike section 403. I have discussed this matter with the gentleman from Pennsylvania [Mr. SHUSTER], and I ask for the adoption of the amendment.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, we concur and support the gentleman from Oklahoma's [Mr. McCURDY] amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. McCURDY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MCEWEN

Mr. McEWEN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McEWEN: At the end of title IV (page 15, after line 26), insert the following new section:

SEC. 406. SECRECY OATHS FOR MEMBERS AND STAFF OF THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE.

Rule XLVIII of the Rules of the House of Representatives is amended—

(1) at the end of clause 1, by adding the following new paragraph:

"(d) At the time a Member is appointed to serve on the select committee, or within 30 days after the adoption by the House of this provision, whichever is later, the Member shall take the following oath:

"'I do solemnly swear (or affirm) that I will not directly or indirectly disclose to any unauthorized person any classified information received in the course of my duties on the Permanent Select Committee on Intelligence, except with the formal approval of the committee or of the House.

The oath shall be administered by the Speaker of the House of Representatives. The Clerk of the House of Representatives of the One Hundred Second Congress and each succeeding Congress shall cause this oath to be printed, furnishing two copies to each Member appointed to the select committee who has taken this oath, which shall be subscribed to by the Member, who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the Congressional Record.";

(2) at the end of clause 5, by adding the following new sentences: "Each employee of the select committee and any person engaged by contract or otherwise to perform services for or at the request of the select committee who is required to subscribe to the agreement in writing referred to in the first sentence of this clause shall, at the time of signing or within 30 days after the adoption by the House of this provision, whichever is later, also take the oath set out in clause 1(d) of this rule. The oath shall be administered by the chairman or by any member of the committee or of the committee staff designated by the chairman. The Clerk of the House of Representatives of the One Hundred Second and each succeeding Congress shall cause this oath to be printed, furnishing two copies to each of such persons taking this oath, which shall be subscribed by each such person, who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the Congressional Record.";

(3) in clause 7(d)—

(A) by inserting "or of the oath required by clause 1(d) or by clause 5," after "paragraph (c)"; and

(B) by adding after the last sentence the following new sentences: "The select committee may refer cases of unauthorized disclosure and violations of the required oaths to the Committee on Standards of Official Conduct for investigation. While a member of the committee is the subject of such a pending investigation, the select committee may determine by majority vote that the member shall not be given access to classified information."; and

(4) by adding at the end of the clause 7(e) the following new sentence: "If the Committee on Standards of Official Conduct determines that any member of the select committee or any person on its staff who is the subject of any such investigation has violated the oath required by clause 1(d) or clause 5, such person shall be permanently expelled from membership on the select committee or have his employment in any capacity by the select committee terminated permanently, as the case may be, in addition to being subject to such other actions as the House may determine are appropriate.".

Mr. McEWEN (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCURDY. Madam Chairman, I reserve a point of order, and I intend to make a point of order, but in order to do that I would like to see a copy of the amendment.

Mr. McEWEN. Madam Chairman, I point out to the chairman of the committee that this is indeed what is known as the Shuster amendment, that was offered in the committee, and was suggested in the Committee on Rules yesterday, and it is brought forward at this time.

Mr. McCURDY. Madam Chairman, I thank the gentleman for his explanation, and I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. McCURDY. Madam Chairman, the amendment proposes a change in the rules of the House. Changes in House rules are outside the jurisdiction of the Permanent Select Committee and within the jurisdiction of the Committee on Rules.

□ 1620

H.R. 1455 therefore contains no changes to House rules.

The amendment fails the test of committee jurisdiction under section 798(c) of the rules and practice of the House of Representatives by including matters within the jurisdiction of a committee not reporting the bill, the Committee on Rules. As a result, the amendment is not germane, and therefore it violates clause 7 of rule XVI.

Madam Chairman, I insist on my point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to speak to the point of order?

Mr. SHUSTER. Madam Chairman, this is the amendment which we offered in the Intelligence Committee and which was defeated on a straight party line vote. We regret that the Rules Committee yesterday while waiving many points of order chose not to waive a point of order with regard to this particular amendment.

We refer to the history dating all the way back to the Constitution which indeed in the Committees of Correspondence, Benjamin Franklin, John Jay and others provided for just such a provision in their rules when they were handling highly sensitive information. We believe it is very appropriate particularly for those Members of the Intelligence Committee who handle the Nation's most sensitive secrets to take an oath which was good enough for Ben Franklin and good enough for the Founding Fathers.

So while this may be ruled out of order today, we will continue to search for ways to bring this particular issue to the floor of the Congress. Whether one is for or against this particular provision, we believe the Members of Congress should have the opportunity to express themselves by voting on the record as to whether they are for or against members of the Intelligence Committee being required to take an oath of secrecy in order to set an example and provide a standard by which those members on the Intelligence Committee protect and preserve the most sensitive issues before our Government.

Mr. McEWEN. Madam Chairman, if I could respond.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. McEWEN. I do, Madam Chairman.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. McEWEN. Madam Chairman, I would point out that this bill covers a myriad of responsibilities, that it comes under the jurisdiction of more than one committee, even though that jurisdiction was waived by the Post Office and Civil Service Committee, for example, that it has to do with the collection of intelligence, it has to do

with retirement, it has to do with oversight, and my suggestion and the amendment before us would fall within the category of enhancing the oversight responsibilities of the Intelligence Committee and would contribute to the benefit for which this bill authorizes.

The CHAIRMAN (Ms. SLAUGHTER of New York). For the reasons stated by the gentleman from Oklahoma, the Chair agrees that this amendment is not germane to the bill before the Committee, and accordingly, the point of order is sustained.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: At the end of the bill, insert the following new title—

DRUG TESTING

The Congress finds that—

(1) the illegal sale, possession and use of drugs pose a pervasive and substantial threat to the social, educational and economic health of the United States;

(2) the impact of drug abuse is reflected in the criminal violence that it causes and in the disintegration of families, schools, neighborhoods, and workplace safety and efficiency;

(3) the effects of rampant illegal drug trafficking are amply illustrated by national crime statistics and prosecutions across the United States of persons at all economic and social levels, including prominent government leaders;

(4) the chronic problem of drug abuse has contributed to declining productivity levels, escalating health care costs, and the increasing inability of domestic industry to compete in the world market; and

(5) reasonable suspicion exists that the mission of the government to preserve the public health and safety, protect the national security, and maintain an effective drug interdiction program for the United States is being subverted by the possession, sale, and use of drugs by Federal personnel at all levels of government.

SEC. 2. RANDOM DRUG TESTING.

The Director of the Central Intelligence Agency shall require random drug testing of officers and employees of the Central Intelligency Agency.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "drug" or "drugs" means any controlled substance as defined by the Controlled Substances Act; and

(2) the term "employee" means—

(A) an employee of the Central Intelligence Agency.

Mr. SOLOMON (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Madam Chairman, I am sure all of us have seen the recent report indicating that violent crime is on the rise all across America, primarily because of illegal drug use. Therefore, I am once again offering an amendment which is designed to change and to expand the emphasis on the war against drugs.

I believe, and so does the majority of the American people, that to turn the tide in the drug war we need to address the problem of the casual drug user as well as the drug supplier.

Madam Chairman, let us face the facts. We could eliminate every drug lord in the world today and new ones would pop up tomorrow because of the enormous profits involved in this deadly trade. We have to eliminate the market by eliminating the demand. This can be done by holding the casual drug user accountable. The casual drug user causes about 75 percent of the entire illegal drug trade in America.

Madam Chairman, the days of regarding these casual drug users as victims is over. If we condition Federal privileges to remaining drug free, we can begin to send a message to illegal drug users that they do have some bearing on the terrible drug problem facing our Nation today and that they are no longer immune to those consequences.

Madam Chairman, in the last Congress I introduced legislation to condition the privilege of driving with the responsibility of remaining drug free. That measure was included in the fiscal year 1991 DOT appropriations bill which became law. My amendment today continues to condition Federal benefits to the responsibility of remaining drug free by requiring the random drug testing of all CIA employees.

If we are going to get serious about user accountability, what better place to do it than right here in the Federal Government? As the Nation's largest employer, the Federal Government has a compelling interest in establishing reasonable conditions of employment. Remaining drug free is completely reasonable for all Federal agencies and particularly for the CIA, due to the nature of their business.

Now, clearly the CIA should have a random drug testing policy in effect, but it does not. We cannot afford to have the personnel of this or any other Federal agency using drugs. There is far too much at stake. That is why I intend to offer a series of amendments to every authorization bill in the 102d Congress. They will include preemployment drug testing, drug testing as a condition of employment, and random drug testing.

In other words, the job, a part of every Federal job, is going to be in carrying out the duties of submitting to a random drug test. A part of the job is going to be submitting to a random drug test.

As you may know, the courts have ruled that it is within the bounds of constitutionality to require drug tests on people who hold sensitive and security-related positions. As a result of these rulings, some people have argued that random drug testing is unconstitutional. This, of course, is not true. Under no circumstances have the courts ruled out drug testing for nonsensitive positions.

My amendment has been drafted by the American Law Division of the Congressional Research Service to withstand a court challenge. I strongly feel it should be used as a test case, which is why I am introducing it today.

Once the Federal Government implements random drug testing, we could begin to urge the private sector to join in this fight. Our Armed Forces have used this idea with tremendous success. You may remember back in 1982, when 27 percent of our military were using drugs, by their own admission. That was 27 percent. Then the military instituted a policy of random drug testing. By 1988, just 5 years later, drug use dropped to 4.5 percent. That is an 82-percent reduction in 5 years.

Random drug testing works, Madam Chairman. We know the American public supports penalties for drug users. So I ask you today, support a drug-free Government. Support user accountability. If you support this amendment, you can really make a difference.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, I strongly support the gentleman's amendment. Where better to apply it then to those employees employed by one of the most sensitive agencies of our U.S. Government?

Mr. SOLOMON. Madam Speaker, I thank the gentleman for his remarks.

Mr. McCURDY. Madam Chairman, I move to strike the last word.

Let me respond briefly to the gentleman's amendment, although we are prepared to accept it. The amendment does deal with what I am sure we all consider to be a significant threat to national security, the drug problem. However, by mandating what may be an unnecessary and redundant program, the amendment probably does not make as much sense as it might if it were applied to other agencies of the Government.

Madam Chairman, I want Members to understand that the CIA already maintains an active drug awareness and prevention program, and is actively committed to preventing and detecting drug use among Agency employees.

The CIA's drug detection program includes background investigations of all applicants, specifically focusing on whether applicants may use or abuse drugs or alcohol. Applicants are also given medical examinations that screen urine and blood samples. Psychological assessments are made of applicants to determine behavior that could indicate abuse of drugs or alcohol. Finally, every applicant is given a polygraph examination to determine

whether the applicant has abused drugs or alcohol.

The CIA's program for a drug-free workplace does not end with the acceptance of an applicant for employment. The Agency continues to be vigilant against drug abuse among its employees. Current Agency policy requires that new employees be subject to reinvestigation after 3 years. This reinvestigation includes another medical examination and another polygraph examination that specifically covers substance abuse during the time of employment at the Agency. Agency employees are also subject to periodic routine reinvestigations. A specific issue polygraph examination and/or a fitness-for-duty medical examination may be conducted at any time if there are any indications of drug abuse.

I am therefore concerned that the gentleman's amendment may be unnecessary. I am prepared to accept it, however, with the understanding that the Director of Central Intelligence would be free to fashion a reasonable program to address whatever is not addressed by the current, rigorous, Agency program directed toward detecting substance abuse.

□ 1630

Mr. SOLOMON. Madam Chairman, will the gentleman yield?

Mr. MCCURDY. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Madam Chairman, I thank the gentleman for supporting the amendment. The gentleman knows that I am one of the strongest supporters of the CIA. They are one of the finest agencies we have. We are not pointing fingers at them.

As I said, this is the first authorization bill to come before the House, for which I commend the gentleman from Oklahoma for getting his work done, and that is the reason I am offering it today.

I will continue to offer it to all authorization bills all year long as they come before the House.

Again, I thank the gentleman for his support.

Mr. MCCURDY. I thank the gentleman.

Madam Chairman, I can assure the gentleman will have a second shot at this in a few weeks as we bring out the authorization bills for the fiscal year 1992.

Madam Chairman, I am prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill? If not, under the rule, the Committee rises.

Accordingly, the Committee rose and the Speaker pro tempore [Mr. BARNARD] having assumed the chair, Mrs. SLAUGHTER of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for intelligence activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency retirement and disability system, and for other purposes, pursuant to House Resolution 136, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. BARNARD). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1455, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1991

Mr. MCCURDY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1455, the Clerk be authorized to make such technical and conforming changes as may be necessary to correct such things as spelling, punctuation, cross-referencing, and section numbering.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE

Mr. MCCURDY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 1455, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

OUR GLASS HOUSE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, child labor violations are not a reason to kill negotiations for a free-trade agreement with Mexico. Nor are child labor violations a problem unique to Mexico.

The fact is Mexican child labor laws are comparable to ours. Special hours are prescribed for children under the age of 16. It is illegal for children to work in situations hazardous to their development. There are gaping holes in both countries' laws. For example, U.S. farmers may not use pesticides if they employ children under the age of 12; however, if they hire children 12 years old or older they can use pesticides.

Moreover, in Mexico, as in the United States, the real problem is enforcement. Agencies lack the resources and personnel to follow up on violations. Poverty draws children from schools to work in factories, fields, and streets. It is a serious problem on both sides of the border.

Mexico may have a larger enforcement problem, but that is because the Government lacks the resources. And Mexico's economic condition forces more children into the work force. The best way to attack the problem is to increase the standard of living for Mexicans. Increased trade between the United States and Mexico will do exactly that. If we want good neighbors, we'll do business with them.

At this point in the RECORD I include the following article:

[From the Washington Post, Apr. 18, 1991]

ILLEGAL CHILD LABOR RESURGING IN UNITED STATES

(By Michael Specter)

NEW YORK.—Working part time, Cheung Yuen Liang earns more money each week than anyone in the history of her family. Proud and ambitious, she rises before dawn and trudges off to work in one of the hundreds of garment factories tucked into the lofts and warehouses of this city.

Her routine rarely varies.

First she works for a couple of hours, stitching lace into wedding gowns; then she goes to school. During her lunch break she's back at the sewing machine. And now that it stays light later, she makes a third trip to the factory floor the minute her classes end.

At 15, she and thousands of girls like her supply much of the lingering vitality to this city's vanishing world of factories and machines. They speak Chinese or Spanish or French. Some even speak English. But the majority of girls toiling in the factories of New York have one thing in common: They are much too young to spend their lives on the shop-room floor.

"If you think the epidemic of child labor abuse has disappeared or diminished, take a walk through Chinatown or the Garment District," said Jeffrey F. Newman, executive director of the National Child Labor Committee. "It's horrendous. But the story is just as bad from the citrus groves of Florida to the farms of Iowa. In a recession, cheap labor is cheap labor. Nobody cares about the kids."

It has been more than 50 years since a country scandalized by the massive exploitation of children in sweatshops, mines and factories enacted legislation to protect children against labor abuses. For a while the laws seemed to work. But with fundamental changes in the patterns of industry, increasing pools of immigrants and a dramatic rise in the number of people living below the poverty line, the problems are recurring, many labor experts say. In some cases, they say, conditions are as bad as ever.

In New York and most other states, children can work part time at age 16 or 17 only if they have signed employment certificates from their school. Younger children are not supposed to work at all. But thousands do, every day. The number of illegally employed youths has risen like a rocket over the past five years, according to federal Labor Department statistics. In 1985 fewer than 2,000 firms were cited for child labor violations in the United States. By 1988 the number had grown more than one-third, and in 1990 nearly 6,000 firms illegally employing 40,000 minors were cited.

On farms, where enforcement is most difficult, the violations are the most common and, often, the most dangerous, labor officials say.

"It is apparent that there is a lot of child labor abuse in this country," said Bob Zachariaflewicz, a labor Department spokesman. "It extends everywhere, from minor violations you could find every day to the maiming and death of children."

Even the worsening federal figures—based largely on sporadic raids and responses to specific complaints—appear to vastly understate the scope of the problem.

Two weeks ago, in a sweep of 200 San Francisco sweatshops, California's state labor commission turned up more than 70 firms that were violating child labor laws. In New York, where there are more than 400 garment factories in Chinatown alone, the problem is bigger.

A trip through the city with a team of investigators from New York's labor department at times seems as if it were a journey into the nation's most depressing industrial past. Despite the department's increased vigilance, sweatshops trying to compete with the lower-wage laborers of the developing world are clearly thriving. Work is piled high in the hallways, jamming exits and staircases.

Like most Americans, most business leaders strongly oppose child labor violations. But some suggest the problem is not nearly as pervasive as child welfare advocates imply. And representatives of some industries, pushed hard by the recession, the demands of the international marketplace and the changing demographics of the work force, say that child labor laws are often outdated and enforced mostly for publicity.

Advocates of increased reliance on teenagers working legally insist that the vast majority of businesses in this country do not violate child labor laws. They add that bagging burgers at a local fast food place is far different from working in an urban sweatshop. They also note that most parents want their children to develop work habits at an early age.

"I am sure it is a problem," Peter Eide, manager of labor law for the U.S. Chamber of Commerce, said of child labor abuse. "If it is occurring once, it is occurring too often. But this is an emotional issue that politicians have used to score easy points. And I might just point out that children may be better off in the sweatshops than in the streets selling drugs."

That complaint has been repeated frequently in the past few years, and labor enforcement officials say that while it may be true it cannot excuse broken laws and dangerous industrial practices. In and around New York City, for example, many children spend their days crammed into dingy tenements and dank basements that have been turned into garment factories. Windowless lofts with locked doors and no emergency exits are considered normal places for children to work. Industrial sewing machines have become their only toys.

"People ask me how big is this problem and, other to say it's bad and getting worse, I can't even give them an answer," said Hugh McDaid, chief of New York's apparel industry task force, the only one in the nation with the power to make spot-checks every day. "It's like standing in the middle of the forest. You see 500 trees. But do you have any idea how big the forest is?"

Random visits to New York factories suggest this forest would be touch to chop down. Confronted by outsiders, the factory girls first disolve in giggles. Soon the laughter turns to sour frowns. They know they are not supposed to spend their days this way but if they work hard they can earn up to $200 a week, more than a family in China earns in a year.

"It isn't that bad," said one pigtailed newcomer from Shanghai when asked about her working conditions. "I make so much money."

Where once immigrant fathers would come to New York and save and send for their families, the reverse is now more often the case. It is easier for females to get this kind of job, so these girls labor to bring their parents and cousins and brothers to America.

"The more we look the more we find," said Paul Kalka, a special investigator with the Labor Department's Task Force on Apparel. "You can go back to a place every week for a month and they will just have different kids. The managers say they didn't know how old the kids are. Or they say they are just working one day." Many children obtain illegal documents.

Kalka and a colleague apparently were recognized one recent day as they entered a tenement that houses several different factories. Word spread through the rickety old building within minutes and dozens of youngsters flew down the 100-year-old wooden stairwell and disappeared. Lafayette Street, in Lower Manhattan, looked like a schoolyard at recess.

At Ring Up Fashions, the manager, Kai Chau, looked on in disgust as the investigators detained a mother and her 5-year-old daughter. It is common for women, lacking babysitters or the ability to pay for day care, to bring their infants to work with them. When they are old enough, they learn to help trim fabric or make some other contribution that will increase the mother's productivity and her earnings.

"I didn't know any of these girls were underage," said Chau, when asked why at least four of his seamstresses lacked working papers or identity cards. "This is not their usual job."

The investigators just shook their heads and wrote a ticket. Last year this task force found 200 firms in violation of the child labor laws in New York's garment industry. The figure has more than tripled in two years, but investigators said they can only scratch the surface of the problem with their 32-person staff.

In terms of the sheer volume of violations, urban labor may be among the least consistent lawbreakers. In suburbs throughout the country, fast food restaurants rely heavily on young people to work, particularly at night and on weekends. Last year, during a three-day sweep of fast food chains, pizza parlors and other similar restaurants, federal officials inspected more than 3,000 establishments and found nearly half breaking the law.

Demographics are partly to blame. There were 1.2 million fewer 16- and 17-year-olds last year than there were in 1981, according to Census Bureau statistics. A similar drop has emerged among 13- and 14-year-olds. The National Restaurant Association, desperate to replace its aging teen work force, is struggling to get the Labor Department to permit 14- and 15-year-olds to work on their school vacations and during long school weekends.

"The government has been harassing companies so badly that many are no longer hiring teenagers as much," said Jeffrey Prince, senior director of the National Restaurant Association, who estimates 1.2 million teenagers work legally in restaurants. He cited Pepsico and Domino's Pizza as two major corporations that have been particularly concerned about the problem.

"These labor laws are an anachronism," he said. "They were established to protect children from heavy industry in another era." He added that most of the restaurant violations for child labor each year are paperwork infractions.

"I don't know about the restaurants," said McDaid. "And I know that manufacturing has its problems. But when you see a 9-year-old boy operating a sewing machine—doing the same chores over and over again—you know one thing for certain. These laws don't need to be looser. They need to be made to work."

NATIONAL FLOOD INSURANCE, MITIGATION, AND EROSION MANAGEMENT ACT OF 1991

The SPEAKER pro tempore. Pursuant to House Resolution 138 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1236.

□ 1638

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1236) to revise the national flood insurance program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes, with Mrs. KENNELLY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Alabama [Mr. ERDREICH] will be recognized for 30 minutes and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the Subcommittee on Policy Research and Insurance reauthorized the National Flood Insurance Program [NFIP] in 1989 as part of the budget reconciliation instructions to the Banking Committee. Last year,

again as part of the budget instructions, the program was reauthorized to September 30, 1995. During the consideration of these budget reconciliation requests, I assured my colleagues on the Banking Committee that the subcommittee would comprehensively review the program.

During the last year and a half my subcommittee has held 10 hearings on the NFIP. I can report to the House that the program has been reviewed and that the public and all who are especially concerned with the flood program have had the opportunity to testify before the subcommittee, and that the subcommittee has considered their concerns.

With this bill, we will be well on our way to modernizing the program and minimizing taxpayers' risk. The testimony received before the subcommittee indicated that the national flood insurance fund is self-supporting, the primary goal of the program. At the same time, the testimony also showed that the fund would benefit from increased stability.

While all of us hope our districts are spared natural disasters such as floods, one only has to turn on the television to see the havoc and heartache caused by flood damage. While we cannot always prevent floods, we can and must do everything possible to make sure we are prepared physically and financially to deal with these disasters. The price tag for being unprepared, in terms of dollars and human suffering is enormous.

The bill we are considering today increases the stability of the policyholder paid insurance fund and will reduce the potential for taxpayer funding of disaster assistance. It does this by increasing compliance levels and by providing for the reduction of future claims by the establishment of a mitigation program.

The bill will increase the compliance levels of the insurance fund by enhancing the mandatory purchase requirement of the program. Data presented to the subcommittee indicated that out of 11 million households located in flood hazard areas only 1.7 million were insured with flood policies, this is a coverage rate of 15 percent. Our Nation's flood zones are grossly underinsured. We cannot afford to expose the Treasury or the taxpayer to this tremendous financial risk.

The bill before you increases the compliance of the mandatory purchase requirements by expanding the mandatory purchase requirement to all mortgaged structures within a flood hazard area and by requiring the escrow of future flood insurance premiums.

To mitigate future losses, the bill requires a community rating system, patterned after the very successful fire-rating system, which will allow communities, to work toward reducing the cost of flood insurance policies in their community by developing proactive measures which would further reduce flood risks.

Future flood losses will also be reduced by the establishment of the flood hazard mitigation fund. The bill would provide to States, communities, and individuals a matching grant for mitigation activities. Such mitigation activities would include relocation of structures out of harms way, elevation of structures, and use of cost-effective flood proofing techniques, and the acquisition of flood damaged property. The Mitigation Program would be funded by a $5 per policy surcharge. While the implementation of this fund will not alleviate all flooding problems, it will allow the Administrator of the Federal Insurance Administration to address the most pressing and serious flood problems confronting the insurance fund. Communities are also encouraged to take positive steps in protecting against future flood losses.

The bill also addresses the problem of erosion along our coasts and Great Lakes. The erosion provisions, developed jointly by Mr. BEREUTER, Mr. CARPER, and myself, would provide for further protection of our coasts and Great Lakes by guiding development of a safe distance beyond our eroding shores. Many areas of our coastline are part of a dynamic system that provides protection for our mainland, bays, estuaries, and fisheries. The bill, in encouraging development to retreat to a safe distance, would enhance the protection and function of these environmentally sensitive areas. By encouraging development away from wetlands, we can reduce risks even further.

The bill provides for important, effective, and much needed changes in our Nation's Flood Insurance Program. Not only will the program meet its original primary goals of providing a Structured Prefunded Insurance Program, but it will also reduce taxpayer paid disaster assistance, guide development away from sensitive lands and keeping flood insurance premiums affordable. I urge my colleagues to support this bill.

□ 1640

Madam Chairman, I reserve the balance of my time.

Mr. BEREUTER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in strong support of H.R. 1236, the National Flood Insurance, Mitigation and Erosion Management Act of 1991. The bill represents this body's first attempt in many years to improve the National Flood Insurance Program. The Flood Insurance Program was established in 1968, after Congress determined that the program was less costly than low-interest loans and massive general disaster relief made available to property owners after a flood disaster.

Over the last 2 years, the Banking Committee devoted considerable time to reviewing the existing National Flood Insurance Program. The Banking Subcommittee on Policy Research and Insurance, under the leadership of Chairman BEN ERDREICH, held numerous hearings on the program. Over the course of the hearings, the subcommittee found the following:

First, the present reserve in the National Flood Insurance Program of nearly $400 million remains extremely vulnerable to another major storm, which could deplete the national flood insurance fund, exacerbate the Federal budget deficit, and threaten the safety and soundness of financial institutions holding mortgages on properties in flood-prone areas.

Second, repeated claims under the Insurance Program, which involve about 2 percent of total insured properties, account for 32 percent of the total losses from the flood insurance fund, and total over $1 billion since January 1978.

Third, to try to reduce future flood losses, a community-based approach to mitigation and erosion management, is the most comprehensive, effective, and cost-efficient method of minimizing losses in floodplains and reducing disaster assistance.

Fourth, a comprehensive Federal Coastal Erosion Program—which currently does not exist, but which the legislation establishes—can provide a variety of mitigation alternatives to reduce erosion losses to existing structures, thereby reducing Federal expenditures due to erosion.

The bill on the floor today reflects the subcommittee's findings and is the result of extensive discussions with the Federal Insurance Administration—which oversees the Flood Insurance Program—environmental groups, floodplain managers, coastal engineers, and the lending community.

As a result of these discussions and subcommittee hearing conclusions, the bill revises the existing program in four significant areas:

First, establishes a mitigation fund, providing grants to communities and individuals to reduce repeated flood damage to structures;

Second, gives statutory recognition to a community rating system, which offers lower insurance premiums for residents of communities that take extra steps to reduce flood hazards;

Third, establishes a program to control coastal erosion; and

Fourth, places additional compliance requirements on lenders that provide mortgages for structures located in flood hazard areas.

In addition to the Federal Insurance Administration, there are numerous organizations that support the legislation. The list includes: Top experts in the fields of coastal engineering and marine science, the Association of

State Floodplain Managers, the Coastal States Organization, the National Wildlife Federation, the Sierra Club, the Coast Alliance, and the National Audubon Society.

I urge my colleagues to vote in favor of the legislation. According to both the Congressional Budget Office and Office of Management and Budget, the bill is a cost-saving measure.

Since H.R. 1236 changes direct spending amounts for the program, the bill is subject to the pay-as-you-go procedures of the 1990 Budget Enforcement Act. According to both CBO and OMB estimates, the net pay-as-you-go effects on outlays are $0 for 1991 and 1992, and result in $3 million in savings for 1993, $7 million in savings in 1994, and $1 million in savings in 1995—for a total of $11 million in savings.

Therefore, a vote for the bill is a vote for carefully crafted and obviously needed comprehensive reform, and for reducing the Federal Government's liability for uninsured damage always associated with natural disasters.

Madam Chairman, I urge adoption of the bill.

Mr. ERDREICH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to thank the gentleman from Nebraska (Mr. BEREUTER) for his help and his staff's help throughout this effort, the many hearings we held, and really coming to grips with this final bill that is a compromise. I thank all of them for their help. It has been great to move us to this point.

Madam Chairman, for the purpose of engaging in a colloquy, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Madam Chairman, I thank you for this opportunity to participate in a discussion with you on H.R. 1236, and I would also like to say I strongly support this measure, which accomplishes many of the goals which I have always strongly supported in regard to managing erosion on the Great Lakes.

A good portion of my district in northeast Ohio has Lake Erie as its natural border. The legislation before us today, if enacted, would implement many aspects of similar legislation I have sponsored in the past.

As you may remember, in 1986, record high lake levels forced Congress into facing the need to assist shoreline residents and localities loosing valuable land and structures as a result of flooding and erosion of the Great Lakes. This situation was not only limited to the shores of Lake Erie, but encompassed the entire Great Lakes Basin.

At that time, between 1985 through 1987, in just 3 years, over $250 million in damages had been caused to shoreland residences and communities in the eight Great Lakes region States, due to unpredictable and fluctuating lake levels.

In a portion of my district of Ashtabula, OH, we have a peculiar situation. The soil composition consists of a sandy soil overlaying two layers of nonporous clay. Essentially, after it rains, there are large puddles of water which just never disappear. However, when the water does runoff, it oozes back into Lake Erie, taking with it most of the sandy surface, so the resulting shoreline erosion is due to surface runoff water, as opposed to just undercurrents, such as is required under the Upton-Jones amendments.

I spoke with a constituent recently who stated that in the last year alone, residents had lost a good 25 feet of lakefront property. And unfortunately, this constituent was told that under the last law, because of his particular type of erosion, he didn't qualify for relocation or demolition assistance.

I had intended to offer an amendment to H.R. 1236 to merely expand the definition of erosion to include situations where shoreline erosion is also caused by surface water.

However, is it the chairman's understanding that under section 407(f), of the Erosion Management Program, residents of my district would also be qualified for assistance on relocation and demolition?

Mr. ERDREICH. Madam Chairman, will the gentleman yield?

Mr. ECKART. I yield to the gentleman from Alabama.

Mr. ERDREICH. Madam Chairman, based on discussions with the Federal Insurance Administration and a written letter by Bud Schauerte, the Federal Insurance Administrator, I believe the residents of your district would be qualified for demolition and relocation assistance. The appropriate part of the letter reads as follows:

This unique erosion problem stems from the fact that the shoreline bluffs along the Great Lakes consist of a top layer of sandy soil above layers of nonporous clay soils, and these bluffs are subject to a condition known as slumping. Slumping is caused when the sandy soil at the top of the bluff becomes saturated from rainfall or ponding and the water reaches the lower clay soils and migrates to the side of the bluff, resulting in slippage or movement of the sandy soil. Such erosion is usually combined with erosion of the base of the bluff. The result is erosion that can be caused, or aggravated by surface water.

With respect to the Erosion Management Program provisions of H.R. 1236 as reported, it is my understanding that, with regard to the Great Lakes, this type of erosion problem would be considered to be eligible for relocation or demolition assistance. This view is, of course, provided to you with the understanding that the current language of H.R. 1236 would not be altered during the remaining steps of the legislative process. This would include Senate consideration of the bill and any conference action.

Madam Chairman, I strongly believe that the problems which the gentleman from Ohio [Mr. ECKART] describes along the Great Lakes would be eligible for relocation or demolition assistance under this legislation. In fact, I have in my hand a letter from the Administration stating:

FEDERAL EMERGENCY
MANAGEMENT AGENCY,
Washington, DC, May 1, 1991.

Hon. BEN ERDREICH,
Chairman, Subcommittee on Policy, Research, and Insurance, Committee on Banking, Finance, and Urban Affairs, House of Representatives Washington, DC.

DEAR MR. ERDREICH: Thank you for your interest in the National Flood Insurance Program and how it can be used to manage erosion problems along our nation's coastlines. This letter is in response to the request of the Subcommittee staff for our review of erosion problems which are currently causing concern in the State of Ohio.

This unique erosion problem stems from the fact that the shoreline bluffs along the Great Lakes consist of a top layer of sandy soil above layers of nonporous clay soils, and these bluffs are subject to a condition known as slumping. Slumping is caused when the sandy soil at the top of the bluff becomes saturated from rainfall or ponding and the water reaches the lower clay soils and migrates to the side of the bluff, resulting in slippage or movement of the sandy soil. Such erosion is usually combined with erosion of the base of the bluff. The result is erosion that can be caused, or aggravated by surface water.

With respect to the Erosion Management Program provisions of H.R. 1236 as reported, it is my understanding that, with regard to the Great Lakes, this type of erosion problem would be considered to be eligible for relocation or demolition assistance. This view is, of course, provided to you with the understanding that the current language of H.R. 1236 would not be altered during the remaining steps of the legislative process. This would include Senate consideration of the bill and any conference action.

Thank you for allowing us to assist in this issue. If you have any further questions, please have a member of your staff contact our Office of Congressional Affairs at (202) 646-4500.

Sincerely,
C.M. "BUD" SCHAUERTE,
Administrator,
Federal Insurance Administration.

□ 1650

Mr. ECKART. Madam Chairman, those understandings are the same understandings I have, and coming from a Great Lakes State, I would like to thank my colleague, the gentleman from Nebraska [Mr. BEREUTER] and my colleague, the gentleman from Alabama [Mr. ERDREICH], for their particular understandings of our peculiar problems. I appreciate it, and my constituents also appreciate their help and consideration.

Mr. BEREUTER. Madam Chairman, I would say, in light of the remarks of our colleague, that this legislation for the first time addresses that problem. The problem probably would not have been addressed under current law.

Madam Chairman, I yield 7 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], who has been very active and concerned with

the progress of this legislation. He has testified before our committee and given us invaluable input in the process.

Mr. LIVINGSTON. Madam Chairman, I thank my friend, the gentleman from Nebraska, for yielding time to me.

Madam Chairman, it is with some reservations that I rise in support of H.R. 1236, the National Flood Insurance, Mitigation and Erosion Management Act of 1991.

The efforts of Chairman ERDREICH, the ranking Republican DOUG BEREUTER and their fine staff, Bill Phillips, Stacey Hayes, and Anita Bedelis have resulted in a bill that in its totality I must support. I thank them all for their efforts to address some of the concerns and issues I have raised over the last 2 years.

In the last 2 or 2½ weeks we have had record rains in Louisiana and flooding in many parishes, particularly in north Louisiana.

In this period we have already had 5,000 structures suffer some degree of flooding—some twice.

In the Shreveport/Bossier area preliminary figures indicate that 2,000 structures have experienced some flooding and we understand that maybe only one-fourth of these structures have flood insurance coverage.

This certainly indicates the need to broaden the policy base through stronger compliance measures.

It is also evident that floods are occurring in areas that have never flooded before.

In particular, the reasons for supporting this bill include:

First, ensured compliance with the mandatory flood insurance purchase requirement that currently exists but has been too easy to circumvent.

The bill requires all lenders to review outstanding loans to determine that the loans, or assistance for a house or property they have given, are accompanied by the purchase of flood insurance. Lenders must also show evidence of this compliance.

Second, the bill would require for the first time that a lender or servicer of a loan, who already requires escrowing for other charges such as taxes, insurance, and so forth, to establish an escrow account for flood insurance premiums for residential real estate.

Third, the bill would establish fines for failure by lenders to require flood insurance.

Fourth, the bill would require lenders or servicers of loans to notify a homebuyer or lessee in writing in advance that a structure is located in a flood hazard area, what the flood insurance purchase requirements and where it is available for purchase.

These new compliance provisions will provide more protection for homeowners, bring more policyholders into the program and thus more money into the national flood insurance fund.

This is important to Louisiana and other Southern States like Florida and Texas because, while we may benefit on most occasions from payments from the flood insurance fund, we also have the highest compliance rates under the program and the most policyholders who contribute to the fund that the entire country benefits from.

These three States alone have half of the Nation's policyholders.

The other critical reasons for my support are:

First, the establishment of a new mitigation grant assistance program to help States, communities and individuals reduce and hopefully end the adverse impact of flooding.

Such a grant program could help individuals, States, or communities who are eligible to reduce future flood claim losses and claims.

Eligible individuals could apply for a grant that may not exceed $250,000 in a 2-year period by law. But, FEMA is allowed to set lower maximum limits by regulation. States and communities grants may not exceed $5 million.

For individuals these grants are provided with no cost share requirements. States and communities must provide a 25 percent cost share.

These grants would be for mitigation activities that must be technically feasible and cost effective and may include, but are not limited to elevation, floodproofing, relocation and acquisition.

This grant program is funded by a $5 surcharge on each policy issued or renewed. With approximately 2.5 to 2.6 million policyholders by the time this provision takes effect in 1992, this will mean this new mitigation fund will bring in about $13 to $14 million a year.

It is a small start for a nationwide program, but it is a start.

And, as I testified last year before the subcommittee that drafted this bill, people from my area of Louisiana are screaming for some form of practical, workable assistance to prevent further flood damage and claims against the Flood Insurance Program.

Second, this bill also increases the amount of coverage allowed under the flood insurance program, from $185,000 to $250,000 for a single family residence; and,

Third, the bill essentially codifies the Flood Insurance Administration's community rating system—a system that would reduce flood insurance premium rates for communities which implement more effective floodplain management measures to reduce the risks of flooding.

However, I remain very concerned about the erosion management sections of the bill, the sections that were adopted in full committee without the scrutiny and review that I believe so many other segments of the bill had at the subcommittee level.

Specifically:

First, the requirements put on FEMA to identify and designate erosion prone areas and communities and to identify and establish erosion setbacks; and,

Second, the land use and flood insurance coverage restrictions, and in some cases increases, for new and substantially improved structures, greater than 50 percent, within these erosion setbacks; and,

Third, the restrictions on mitigation assistance for those communities that have not adopted erosion land use restrictions.

No one today in FEMA is certain what exactly qualifies as an erosion prone area or community under the new provisions of this act or where to draw lines for a 10-year, 30-year, or 60-year erosion setback.

I realize that communities are not considered erosion prone communities until they are designated so by the Director of FEMA. And, under this bill, the Director is not required to designate these communities until after 60 months from enactment.

So in terms of the land use restrictions and flood insurance coverage prohibitions, most communities may not be impacted for quite awhile if ever.

Nevertheless, in adopting the erosion management provisions for the first time, a disincentive or adversarial concept was introduced into the mitigation aspects of this bill.

I appreciate the willingness of Chairman ERDREICH and Mr. BEREUTER to address some of our concerns as a representative of a State that has the only deltaic coastline.

The committee amendment to clarify in statute what the term coastal means and how it applies is certainly helpful. But we still have some large bays and tidal waters that may be covered.

I still intend to support this bill and would ask the full House to do likewise.

Madam Chairman, I would ask both the chairman and the ranking minority member to engage me in colloquy. I would ask, first of all, is it their intent in implementing the coastal erosion management program under section 407 of the bill, that the Director of FEMA recognize those existing efforts and programs on the part of local communities and States, including those efforts supported by the Federal Government, designed to lessen the impacts of erosion, subsidence, wetlands loss, and general shoreline retreat along open and deltaic coasts, large bays, and the shorelines of the Great Lakes?

Mr. ERDREICH. Madam Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Alabama.

Mr. ERDREICH. Madam Chairman, I would be glad to respond. The answer is yes, the intent of the program would recognize State and local efforts supported by the Federal Government to lessen the impact of erosion.

Mr. BEREUTER. Madam Chairman, if the gentleman will yield, I agree with the chairman's response. That is this Member's intent and I believe it is the intent of the committee.

Mr. LIVINGSTON. Madam Chairman, second, will the committee and the authors of the bill continue to work with those of us from Louisiana and other States through Senate action and conference, so that we can assess the impact of these erosion management sections?

Mr. ERDREICH. Madam Chairman, if the gentleman will yield, of course, indeed we will, and the members of this committee will work with those from Louisiana and other States to address those concerns through the Senate and hopefully final passage of the bill.

Mr. BEREUTER. Madam Chairman, if the gentleman will yield, absolutely, that is a commitment I am pleased to make to the gentleman.

Mr. LIVINGSTON. Madam Chairman, I appreciate the assurance and ask the House to support this legislation.

Mr. ERDREICH. Madam Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I would like to thank the Banking Committee and the Subcommittee on Policy, Research and Insurance for bringing this legislation up at this particular time. The people of my district know about flooding. This is supposed to be the spring planting season, but in many parts of Mississippi it is really more like the spring flooding season. In the last week, dozens of houses have been flooded and families have been forced to move from home. There have been serious power outages, roads and bridges have been washed out, and over 1.3 million acres of cropland are now under water, just at the time when farmers need to begin planting crops. So the seasonal window is closing fast.

In many areas Mississippi has experienced the worst flooding since 1973, and our Governor has already declared a state of emergency. More rain is expected this week. So I especially appreciate the committee's efforts to expand the Flood Insurance Program and to provide communities and individual grants to increase their flood mitigation efforts. I am also pleased with provisions which allow for reduced flood insurance premiums as incentives for communities to adopt a more effective flood plain management and land use criteria which reduce the risk of flooding.

Madam Chairman, I believe the Federal Government must take more steps to stop flooding from occurring. Forty-two percent of all the water which falls on the United States drains down the Mississippi basin. So flooding in this region is not just a local problem, it is not just a regional problem, but it is indeed a national problem.

That is why I continue to urge for cooperation among environmentalists and Federal and State Government officials to proceed as fast as possible with completion of what we call the upper Yazoo River basin project. But until we get there, there are some things we can do, and we are doing those things, just as we are accomplishing something by passing H.R. 1236.

So, Madam Chairman, I am glad that we are here today expanding the Flood Insurance Program so that more citizens will be protected from the devastating effects of flooding.

□ 1700

Mr. BEREUTER. Madam Chairman, I am pleased to yield 2 minutes to the gentleman from Louisiana [Mr. BAKER], a member of the Committee on Banking, Finance and Urban Affairs, and also a member of the Louisiana delegation who has been very helpful to the committee. In fact, it is through his efforts we have added an important definition, important not only for his State, but for other parts of the Nation as well, and I appreciate his contribution.

Mr. BAKER. Madam Chairman, I thank the kind gentleman for yielding, and certainly want to acknowledge the efforts of the ranking member and the chairman as well for their cooperativeness in expressing concerns expressed during the Banking Committee's consideration of this important legislation.

Madam Chairman, I do want to reemphasize the points made by the gentleman from Louisiana [Mr. LIVINGSTON] earlier, that this is indeed very important legislation, in that it broadens the net of revenue, which is extremely important to supporting those States that rely on the premiums paid to meet the damage claims that are filed on an annual basis.

On the perspective of Louisiana only, we rank number one in the Nation in the number of actual claims filed, and number 2 in the Nation in the number of dollars paid annually, ranking second only to the State of Florida. So it is of extreme consequence to those of us in Louisiana to carefully review the provisions of this proposal before moving forward.

Madam Chairman, I am delighted to support this, but do wish to express some reservations with regard to the erosion management provisions of the act, because as of this time it is still unclear as to the bureaucratic intent with regard to enforcement. Upon making an inquiry of the agency, they were not able, for example, to tell us with clarity what the definition of an erosion prone community may be.

Although the legislation allows some 60 months from the date of enactment for that list to be developed, it is not clear at this point whether that would require public comment or review by those communities which might be adversely affected.

The end result of that erosion claim designation would mean that an individual who may not have flooded in prior years, who has had no reason to make prior flood damage claims, having an unexpected event occur and that residence be subject to flooding, might have his recourse in dollars to be reimbursed significantly limited.

What we hope, of course, is that over the coming months we can continue to work together cooperatively and decide on definitions that will affect the people of Louisiana in a fair and appropriate manner, and not deprive someone of reimbursement through no fault of their own.

Madam Chairman, having made those comments, I think the end result of the impact of this legislation will be positive and beneficial for all taxpayers.

Mr. ERDREICH. Madam Chairman, might I inquire as how much time we have remaining?

The CHAIRMAN. The gentleman from Alabama [Mr. ERDREICH] has 23 minutes remaining, and the gentleman from Nebraska [Mr. BEREUTER] has 16 minutes remaining.

Mr. ERDREICH. Madam Chairman, I yield 5 minutes to the gentleman from Delaware [Mr. CARPER], who has been an invaluable member of our committee's efforts, and we appreciate his help in constructing this legislation.

Mr. CARPER. Madam Chairman, let me just say as a precursor to my statement how much I have enjoyed working with the gentleman form Alabama [Mr. ERDREICH], and with the gentleman from Nebraska [Mr. BEREUTER], the ranking Republican on this subcommittee. The three of us have made, I think, a good team, and our staffs are to be certainly commended for their work in enabling us to bring together what could have been a very controversial, divisive piece of legislation.

We are going to have some amendments here today, but they will be relatively few, and I think for the most part noncontroversial. A lot of credit goes to the gentleman from Alabama [Mr. ERDREICH] and the gentleman from Nebraska [Mr. BEREUTER], and I want to say again how much we have enjoyed working with them.

Madam Chairman, I rise to strongly support this bill, H.R. 1236, which would reform the National Flood Insurance Program. This legislation before us highlights a long road of involvement with the Flood Insurance Program which began for me nearly 6 years ago.

Over those years, I have developed a profound respect for the responsibilities vested in the Flood Insurance Program. With nearly $200 billion of policies outstanding, the program rep-

resents one of the largest—and most important—Federal enterprises. Under the direction of the Federal Insurance Administration, the program has become very effective in its primary mission—providing affordable flood insurance where it could not be found in the private insurance market. The program has also taken great strides in enforcing better building standards to minimize needless flood claims. All of this has helped the American taxpayer avoid costly disaster assistance bills in the wake of large storms and hurricanes. But more can—and should—be done.

This legislation will strengthen the financial underpinnings of the National Flood Insurance Program by ensuring those who should have flood insurance buy it, and retain their policies. By increasing the policy base, greater revenues will flow to the insurance fund, and risk is spread to less-risky policyholders.

The bill would also reduce avoidable flood claims by providing the means by which high-risk communities can mitigate against future flood damage by floodproofing, elevating, or relocating flood-prone structures.

And finally, the bill will give coastal and Great Lakes communities who desire assistance the tools they will need to direct development in hazardous areas and move structures out of harm's way on eroding shorelines. In any event, this legislation establishes clear Federal policy that no Federal flood insurance subsidy will be provided to support development in hazardous, erosion-prone areas. My colleagues, the time for coast-crowding development that risks lives, property, taxpayer patience, and environmental health is past.

The proposals outlined in this bill will go a long way toward making the National Flood Insurance Program a better partner in our efforts to protect the environment, lives, property, and the American taxpayer. I commend the bill to my colleagues, and urge your support.

Mr. BEREUTER. Madam Chairman, I want to comment and compliment the gentleman from Delaware [Mr. CARPER] for an outstanding contribution to this legislation. The gentleman has been very active in proposing his own legislation. He has a major impact upon this legislation. With the chairman, they are the moving forces, and hopefully we had some impact on our side of the aisle as well. So I thank him for his many contributions.

Madam Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. UPTON], one of the coauthors of previous legislation that has been a significant element of our flood plain management program, the so-called Upton-Jones or Jones-Upton legislation, which the gentleman has been active in very early in his legislative career.

Mr. UPTON. Madam Chairman, as a Member from the Great Lake State of Michigan, I made reform of the National Flood Insurance Program one of my top priorities when I first came to Congress.

In the 100th Congress, the gentleman from North Carolina [Mr. JONES] and I sponsored a successful amendment to the National Flood Insurance Program, the Jones-Upton bill or the Upton-Jones bill, to correct a number of serious problems with the program.

Our goal was to encourage shoreline homeowners to move their homes, or have them demolished, before they fell into the water. Before the Upton-Jones bill, the program gave policyholders no financial incentive to save their homes and prevent serious environmental problems that occurred when their homes, including the septic systems, aluminum siding, basements, roofs, and garages, actually tumbled into the Great Lakes.

Through the Upton-Jones amendment, we established the principle that homeowners could relocate their home, once it became clear that the structure was going to collapse, and in fact was condemned.

Madam Chairman, our goal was also to end fraud and abuse in the old program, and we succeeded. I am pleased that this bill, H.R. 1236, maintains the relocation benefits, and requires homeowners to exercise this option before considering demolition. This change should result in significant cost savings, which was one of my original goals in proposing the Upton-Jones bill.

Madam Chairman, I am also pleased that the former abuses allowed under the old bill are again eliminated.

Madam Chairman, I am delighted to support H.R. 1236, which improves upon the program that the gentleman from North Carolina [Mr. JONES] and I offered 4 years ago. I commend the chairman, the gentleman from Alabama [Mr. ERDREICH], the gentleman from Nebraska [Mr. BEREUTER], and the subcommittee, for their work to preserve and build on our concept of preemptive risk mitigation, and urge Members to support the bill.

Mr. BEREUTER. Madam Chairman, I thank the gentleman from Michigan [Mr. UPTON] for his comments, and I reserve the balance of my time.

Mr. ERDREICH. Madam Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. Madam Chairman, I thank the gentleman from Alabama for yielding.

Madam Chairman, I rise in strong support of this legislation. At this very moment, as I speak, Ouachita Parish, Monroe, LA, the largest city in my district, is suffering the worst flood in its entire history. The Ouachita River is anticipated to crest this Friday or Saturday at record levels. We are incurring literally hundreds of millions of dollars of damage. FEMA employees are there assessing the damage. We hope to have a Presidential declaration by this Friday.

Madam Chairman, certainly I wish that this legislation, these amendments and changes to the National Flood Insurance Program, were already in effect. It would certainly be an advantage to us and to many flood-prone areas aware of, conscious of, and trying to take the necessary steps for prevention, which this bill so clearly elucidates that governing bodies should do.

□ 1710

And I just want to rise in support of the legislation and commend the gentleman from Alabama as well as the gentleman from North Carolina and the gentleman from Nebraska for bringing this bill to the floor.

Mr. BEREUTER. Mr. Chairman, I want to express once again my appreciation to the chairman for the outstanding work that he has done, but especially for the way in which he has been so agreeable in working with the minority in the crafting of this legislation and for his own initiatives.

I think our staff, Bill Phelps and Anita Bedelis, deserves special commendation. I also want to mention a young man, Todd Davison, who was an intern in my office for a period of time from FEMA who made outstanding contributions.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ERDREICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank Chairman JONES and Mr. UPTON for their contribution in the Upton-Jones or Jones-Upton legislation that we indeed embodied in this bill in a new form for relocation assistance. Their early contribution was invaluable, and I thank them for their efforts.

Mr. GONZALEZ. Mr. Chairman, I rise in support of H.R. 1236, the National Flood Insurance, Mitigation and Erosion Management Act of 1991.

This bill has received the thoughtful attention of the Committee on Banking, Finance and Urban Affairs. This bill was the subject of no less than 10 hearings, including hearings held at the location of some of the more devastating floods of recent years. The bill was reported from the committee on April 11 and enjoys the full support of the Democratic and Republican members of the committee.

National flood insurance is not a new program. The present program was first authorized in the National Flood Insurance Act of 1968. Participation in the Flood Insurance Program was voluntary until 1973. Because of the tremendous damage caused by floods in the early 1970's, particularly from Hurricane Agnes, the Congress passed the Flood Disas-

ter Protection Act which required participation in the Flood Insurance Program for those homeowners whose property were in flood prone areas. It is evident that it is in the best interests of Federal taxpayers to require flood insurance rather than to respond to flood disasters with the direct expenditure of Federal disaster relief funds.

One of the primary purposes of the bill we consider today deals with poor compliance with the mandatory flood insurance provisions provided in the 1973 act. For a variety of reasons, the Banking Committee found that only 1.7 million of an estimated 11 million households in special flood hazard regions are protected by flood insurance. In order to broaden the risk to the insuring fund and to carry out the original intent of the Flood Insurance Program to lessen the need for disaster relief, it is imperative that the compliance levels be substantially improved.

The proposed legislation requires that primary mortgage lenders play a larger role to ensure designated homeowners who must obtain flood insurance actually purchase the necessary protection.

Another significant feature of the bill is that it establishes a mitigation program, funded through a policy premium surcharge. The funds raised for the mitigation fund will be used by the States, local communities, and certain individual homeowners to pay for small flood abatement and control projects which will diminish the need for insurance fund payouts. The bill also authorizes a community rating system to encourage participation by these communities to exceed existing floodplain management measures and to provide for the management of erosion-prone areas.

I do not hesitate to recommend the passage of a bill which will actually save the Federal Government $11 million over the course of the next 5 fiscal years.

Let me conclude by complimenting the fine work put into this bill by the chairman of the Banking Committee's Subcommittee on Policy Research and Insurance, the Honorable BEN ERDREICH of Alabama and the ranking minority member, the Honorable DOUG BEREUTER. These two gentlemen and the rest of the subcommittee are to be congratulated for bringing forth necessary and important amendments to our National Flood Insurance Program.

Mr. KANJORSKI. Mr. Chairman, nearly two decades ago, on the evening of June 22, 1972, my congressional district in northeastern Pennsylvania was ravaged by the most devastating flood in modern American history, the floods which accompanied Hurricane Agnes in 1972.

No one who lived through that night of horror, and the days, weeks, months, and years of rebuilding which followed, will ever forget the fear, uncertainty, and suffering caused by the flood. I know I will never forget.

Last June 22, on the 18th anniversary of the Agnes flood, the Policy Research and Insurance Subcommittee, under the able leadership of the gentleman from Alabama [Mr. ERDREICH], and with the assistance of former Congressman Ray Musto, came to Wilkes-Barre to hear firsthand the experiences of flood victims like Ros Kleinman and those who led the recovery efforts like Max Rosenn. The subcommittee also received testimony from Pennsylvania's Lt. Gov. Mark Singel; County Commissioners Frank Crossin, Frank Trinisewski, and Jim Phillips; County Engineer Jim Brozena; and representatives of the Federal Emergency Management Agency [FEMA] and the Army Corps of Engineers.

Mr. Chairman, northeastern Pennsylvania did not benefit from Federal flood insurance in 1972. That is one reason why recovery was so slow, difficult, and expensive. It is also clear, however, that memories of the 1972 flood fade. As those who lived through it pass away, move away, or become complacent and are replaced by individuals with no memories of the flood, we find that our area is just as vulnerable today as it was two decades ago. The dike system still has not been improved, and many families in the flood plain either have not taken out the required flood insurance policies, or have allowed them to lapse.

The landmark legislation we consider today makes several significant steps forward. It increases the amount of protection provided by the Flood Insurance Program, it strengthens the financial stability of the flood insurance fund, it ensures that homeowners will obtain and maintain their flood insurance policies, it guarantees more regular updating of flood insurance maps, and it provides meaningful incentives to both communities and individuals to mitigate flood losses. It also establishes an innovative new program to reduce coastal erosion hazards.

The gentleman from Alabama, Chairman ERDREICH; the gentleman from Nebraska, our ranking minority member Mr. BEREUTER; the gentleman from Delaware, Mr. CARPER; and all the members of our committee and subcommittee should be commended for their excellent work. This bill is the result of numerous hearings and meetings over several years. It is a genuine consensus bill which enjoys broad bipartisan support. Everyone who worked on this bill made concessions at one point or another. It makes significant progress in protecting life, property, and our fragile environment, and I am proud to have worked with this talented and dedicated group of members on it.

For the residents of the Wyoming Valley, the most important features of this legislation are the long-overdue increases it provides in the amount of flood insurance a home or business may obtain, and the mandatory flood insurance purchase and premium escrow requirements for properties located in flood plains. Flood-prone communities and landowners, particularly those susceptible to repetitive losses, may also become eligible for the new Mitigation Assistance Program.

Mr. Chairman, today only 15 percent of homeowners whose homes are at risk have actually purchased flood insurance. As one who has seen firsthand the awesome destructive power of a flood, and the human misery it can cause, I know that is a situation we cannot tolerate. This bill, H.R. 1236, will repair this gaping hole in our safety net and provide badly needed protection for millions of American families. It received unanimous bipartisan support in both subcommittee and full committee and should receive similar support on the House floor.

Mr. ERDREICH. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. ESPY). Pursuant to the rule, the amendment in the nature of a substitute printed in the reported bill is considered as an original bill for the purpose of amendment, and each title is considered as having been read.

It shall be in order to consider amendments en bloc, by and if offered by the gentleman from Alabama [Mr. ERDREICH] or his designee, printed in House Report 102–44. Said Amendments en block may amend portions of the committee amendment in the nature of a substitute not yet read for amendment and shall not be subject to a demand for a division of the question.

The Clerk will designate section 1, which precedes title 1.

The text of section 1 is as follows:

H.R. 1236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Flood Insurance, Mitigation, and Erosion Management Act of 1991".

(b) TABLE OF CONTENTS.—

AMENDMENTS EN BLOC OFFERED BY MR. ERDREICH

Mr. ERDREICH. Mr. Chairman, I offer amendments en bloc.

The Clerk read as follows:

Amendments en bloc offered by Mr. ERDREICH: Page 11, strike lines 21 through 23 and insert the following:

(7) the term "coastal" means relating to the coastlines and bays of the tidal waters of the United States or the shorelines of the Great Lakes, but does not refer to bayous, riverine areas, and riverine portions of estuaries;

Page 19, line 14, after "lender" insert the following: "(or such lesser number of loans held by the lender, which number shall be established by the Secretary of Housing and Urban Development, after consultation and coordination with the Financial Institutions Examination Council, and shall be satistically valid and significant for purposes of the loan review under this subparagraph)".

Page 40, line 16, strike "coastal and Great Lakes erosion" and insert "erosion in coastal areas (as defined in section 1370(a)(7) of the National Flood Insurance Act of 1968)".

Page 55, lines 17 and 18, strike "along the tidal waters of the United States and the shorelines of the Great Lakes".

Page 56, lines 4 through 6, strike "areas and communities located along the tidal waters of the United States or the shoreline of the Great Lakes" and insert "coastal areas and coastal communities".

Page 56, strike lines 18 through 20 and insert the following:

"(A) contains coastal areas; and

Page 56, line 24, before "areas" insert "all".

Page 57, line 3, strike the period insert the following: ", except that the Director may exclude from such initial designations any areas for which insufficient information exists regarding erosion hazards or for which such information is unavailable.".

Page 57, before line 4, insert the following:

"(4) ONGOING DESIGNATIONS.—As the Director acquires additional information regarding erosion hazards and environmental conditions change, the Director shall periodically review and revise the designations of erosion-prone areas and communities and may make additional designations of such areas and communities.

Page 70, line 8, strike "successes" and insert "performance".

Page 78, line 2, strike the quotation marks and the second period.

Page 78, after line 2, insert the following:

(g) To promote compliance with the requirements of this title and the Flood Disaster Protection Act of 1973, the Director shall make maps and information under this section regarding flood-plain areas and flood-risk zones available, free of charge, to lenders, to States and communities, and to insurance companies, other insurers, and insurance agents and brokers participating in the national flood insurance program pursuant to section 1310.

Mr. ERDREICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendments en bloc be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ERDREICH. Mr. Chairman, the amendment I am offering consists of five en bloc amendments, all of which have been agreed to by both sides of the aisle. They are of a clarifying nature and the subjects of the amendments are contained and described in the committee report filed with this bill.

The first amendment refines and clarifies the definition of "tidal waters." The amendment would define coastal as any coastline, bay or the shorelines of the Great Lakes, but would specifically exclude bayous, rivers, and the river portions of estuaries.

The second amendment would clarify that the Director of FEMA is expected to designate erosion-prone communities in an ongoing manner. The initial designations in the bill would occur over a 60-month period beginning on enactment, but that, as conditions change and other information becomes available, additional communities would be designated as erosion-prone.

The third amendment clarifies language in the riverine erosion study, and the fourth amendment clarifies that for purposes of redetermining an existing mortgage portfolio, the 5-percent sample may include a lesser sample, provided it is statistically valid. This lesser sample must be approved by the Secretary of HUD and the Financial Institutions Examination Council.

Finally the amendment would codify the existing practice of providing flood maps free of charge to lenders, States, communities, and the insurance companies and their agents who participate in the Write Your Own Program.

Mr. Chairman, as I indicated earlier, these amendments are agreed to by both sides, and I would ask the House for its approval.

Mr. BEREUTER. Mr. Chairman, I concur with the gentleman's intention on the amendments. The minority supports them, and I urge their approval.

The CHAIRMAN pro tempore. The question is on the amendments en bloc offered by the gentleman from Alabama [Mr. ERDREICH].

The amendments en bloc were agreed to.

The CHAIRMAN pro tempore. The Clerk will designate section 2.

Mr. ERDREICH. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) with respect to flood damage, a structured prefunded insurance program is preferable to a response based on post-disaster relief;

(2) the Federal Government and State and local governments must work together to successfully carry out the national flood insurance program;

(3) a Federal flood insurance program that combines predisaster mitigation efforts together with an insurance and compliance program will reduce the physical and economic effects of flood damage on the Federal Government, State, and local governments, and individuals;

(4) the national flood insurance program and the citizens of the United States have benefited from a low incidence of major storms and hurricanes in recent years;

(5) the present reserve in the national flood insurance program of nearly $400,000,000 remains extremely vulnerable to another major storm causing billions of dollars in damage claims, which could deplete the national flood insurance fund, exacerbate the Federal budget deficit, and threaten the safety and soundness of financing institutions holding uninsured mortgages on properties in flood-prone areas;

(6) only 1,700,000 of an estimated 11,000,000 households in special flood hazard areas are protected by flood insurance;

(7) the number of properties insured against floods remained roughly constant during the 1980's despite continuing growth in real estate activity in coastal, lakeshore, and riverine areas;

(8) requiring flood insurance coverage for structures subject to private mortgages (in addition to those subject to federally related mortgages) will result in a more comprehensive flood-risk insurance program;

(9) the floodplain management and land use and control measures adopted by communities participating in the national flood insurance program have resulted in lower claims for structures constructed in compliance with such measures;

(10) the national flood insurance program should require and provide for notification regarding flood insurance purchase requirements under the program to homeowners, mortgage lenders, and mortgage servicers;

(11) lending to aid development of areas within the Coastal Barrier Resources System is inherently risky and can affect the financial condition of federally insured financial institutions;

(12) the Federal regulatory agencies for depository and nondepository institutions should, in the course of examinations of institutions, pay particular attention to the quality of loans that would aid the development of coastal barriers within the Coastal Barrier Resources System;

(13) incentives in the form of reduced premium rates for flood insurance under the national flood insurance program should be provided in communities that have adopted and enforced exemplary or particularly effective measures for floodplain management;

(14) a community-based approach to mitigation and erosion management, to reduce losses in floodplains, is the most comprehensive, effective, and cost-efficient method of minimizing

losses in floodplains and reducing disaster assistance expenditures;

(15) such community-based mitigation and loss prevention methods should be incorporated in the national flood insurance program;

(16) unprecedented growth in population and development has occurred along coasts and rivers of the United States and it is estimated that a significant portion of the United States population is exposed to the hazard of floods, flooding disasters, and erosion damage;

(17) repeat claims, which involve about 2 percent of total insured properties, account for 32 percent of the total losses from the flood insurance fund, amounting to over $1,000,000,000 since January 1978;

(18) given the problems of homelessness and housing shortages in the United States, many usable homes located in high risk areas that are being destroyed should be removed to safer areas and used;

(19) no comprehensive Federal program exists to assist in the removal of structures out of high risk areas, such as regulatory floodways and coastal high hazard zones, before disaster strikes;

(20) flood and erosion hazards can be significantly reduced by deterring development in wetlands and open-space and recreational areas;

(21) gradual, long-term retreat of portions of the Nation's coastline and the resulting inland advancement of flood hazards is increasing the exposure of insured structures to flood damages;

(22) a comprehensive coastal erosion management program can provide a variety of mitigation alternatives to reduce erosion losses to existing structures and protect new structures from erosion losses, thereby reducing Federal expenditures due to erosion;

(23) since enactment 3 years ago, section 1306(c) of the National Flood Insurance Act of 1968 has not functioned as envisioned or intended and has resulted in a preference for demolition of buildings subject to erosion damages, which is more costly than relocating structures;

(24) there has been a recognized need for the Federal Emergency Management Agency to formally assess, on an ongoing basis, the accuracy of flood hazard maps for communitites, thereby ensuring that maps are updated and revised in a timely fashion as needed;

(25) the level of flood insurance coverage that an individual can purchase has not been increased since 1977;

(26) due to substantial increases in construction costs, many property owners are prevented from purchasing flood insurance for the replacement value of the building, potentially resulting in an owner not receiving a payment to fully restore flood-damaged property; and

(27) wise use of the floodplain minimizes adverse impacts upon the natural and beneficial functions of the floodplain, such as moderation of flooding, retention of floodwaters, reduction of erosion and sedimentation, preservation of water quality, groundwater recharge, and provision of fisheries and wildlife habitat.

SEC. 3. DECLARATION OF PURPOSE UNDER THE NATIONAL FLOOD INSURANCE ACT OF 1968.

Section 1302(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4001(e)) is amended—

(1) by redesignating clauses (3), (4), and (5), as clauses (4), (5), and (6), respectively; and

(2) by inserting after the comma at the end of clause (2) the following: "(3) encourage State and local governments to protect natural and beneficial floodplain functions that reduce flood-related losses,".

TITLE I—DEFINITIONS

SEC. 101. FLOOD DISASTER PROTECTION ACT OF 1973.

(a) IN GENERAL.—Section 3(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003(a)) is amended—

(1) by striking paragraph (5) and inserting the following new paragraph:

"(5) 'Federal entity for lending regulation' means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration, and with respect to a particular regulated lending institution means the entity primarily responsible for the supervision, approval, or regulation of the institution;";

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (6) the following new paragraphs:

"(7) 'lender' includes any regulated lending institution, other lending institution, and Federal agency (to the extent the agency makes direct loans subject to the provisions of this Act), but does not include any agency engaged primarily in the purchase of mortgage loans;

"(8) 'other lending institution' means any lending institution that is not subject to the supervision, approval, regulation, or insuring of any Federal entity for lending regulation and that is not a Federal agency, but does not include institutions engaged primarily in the purchase of mortgage loans; and

"(9) 'regulated lending institution' means any bank, savings and loan association, credit union, or similar institution subject to the supervision, approval, regulation, or insuring of a Federal entity for lending regulation.".

(b) CONFORMING AMENDMENTS.—

(1) REQUIREMENTS TO PURCHASE FLOOD INSURANCE.—Section 102(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)) is amended—

(A) by striking "Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation direct such institutions" and inserting "Each Federal entity for lending regulation shall by regulation direct regulated lending institutions".

(2) EFFECT OF NONPARTICIPATION IN FLOOD INSURANCE PROGRAM.—Section 202(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106(b)) is amended by striking "Federal instrumentality described in such section shall by regulation require the institutions" and inserting "Federal entity for lending regulation (with respect to regulated lending institutions), the Secretary of Housing and Urban Development (with respect to other lending institutions), and the appropriate head of each Federal agency acting as a lender, shall by regulation require the lenders".

SEC. 102. NATIONAL FLOOD INSURANCE ACT OF 1968.

(a) IN GENERAL.—Section 1370(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4121(a)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (6) the following new paragraphs:

"(7) the term 'coastal' means relating to the coastlines of the tidal waters of the United States and the shorelines of the Great Lakes;

"(8) the term 'Federal entity for lending regulation' means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration, and with respect to a particular regulated lending institution means the entity primarily responsible for the supervision, approval, or regulation of the institution;

"(9) the term 'lender' includes any regulated lending institution, other lending institution, and Federal agency (to the extent the agency makes direct loans subject to the provisions of this Act), but does not include any agency engaged primarily in the purchase of mortgage loans;

"(10) the term 'natural and beneficial floodplain functions' means (A) the functions associated with the natural or relatively undisturbed floodplain that moderate flooding, retain flood waters, or reduce erosion and sedimentation, and (B) ancillary beneficial functions, including maintenance of water quality, recharge of ground water, and provision of fisheries and wildlife habitat;

"(11) the term 'regulated lending institution' means a bank, savings and loan association, credit union, or similar institution subject to the supervision, approval, regulation, or insuring of a Federal entity for lending regulation; and

"(12) the term 'other lending institution' means any lending institution that is not subject to the supervision, approval, regulation, or insuring of any Federal entity for lending regulation and that is not a Federal agency, but does not include institutions engaged primarily in the purchase of mortgage loans.".

(b) CONFORMING AMENDMENT.—Section 1322(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4029(d)) is amended by striking "federally supervised, approved, regulated, or insured financial institution" and inserting "regulated lending institution".

TITLE II—COMPLIANCE AND INCREASED PARTICIPATION

SEC. 201. EXISTING FLOOD INSURANCE PURCHASE REQUIREMENTS.

Section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) may not be construed to permit the provision of any amount of financial assistance with respect to any building or mobile home and related personal property for which flood insurance is required under such paragraph, unless the requirements under such paragraph are complied with in full. The prohibitions and requirements under paragraph (1) relating to financial assistance may not be waived for any purpose.".

SEC. 202. EXPANDED FLOOD INSURANCE PURCHASE REQUIREMENTS.

(a) IN GENERAL.—Section 102(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)), as amended by the preceding provisions of this Act, is further amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting "(after consultation and coordination with the Financial Institutions Examination Council established under the Federal Financial Institutions Examination Council Act of 1974)" before "shall by regulation"; and

(3) by adding at the end the following new paragraphs:

"(2) The Secretary of Housing and Urban Development (after consultation and coordination with the Financial Institutions Examination Council) shall by regulation direct that any other lending institution may not make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Director of the Federal Emergency Management Agency as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in the amount provided in paragraph (1).

"(3) A Federal agency may not make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Director of the Federal Emergency Management Agency as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in the amount provided in paragraph (1). The relevant head of each Federal agency acting as a lender shall issue any regulations necessary to carry out this paragraph. Such regulations shall be consistent with and substantially identical to the regulations issued under paragraphs (1) and (2).

"(4) Notwithstanding any other Federal or State law, any lender may charge the borrower a reasonable fee (as determined by the Director) for the costs of determining whether the improved real estate or mobile home securing the loan is located in an area of special flood hazards, but only if such determination is made pursuant to the making, increasing, extending, or renewing of a loan described under paragraph (1), (2), or (3) that is initiated by the borrower.

"(5) If a borrower under a loan disputes or challenges the determination of the lender that the improved real estate or mobile home securing the loan is located in an area of special flood hazards, the lender shall review and consider any relevant information submitted to the lender by the borrower.".

(b) APPLICABILITY AND DETERMINATIONS.—

(1) IN GENERAL.—The amendment made by subsection (a)(3) shall apply only with respect to—

(A) any loan made, increased, extended, or renewed after the expiration of the 1-year period beginning on the date of the enactment of this Act; and

(B) any loan outstanding after the expiration of the 5-year period beginning on the date of the enactment of this Act.

(2) REQUIRED DETERMINATIONS REGARDING COMPLIANCE.—

(A) IN GENERAL.—Except as provided in paragraph (3), each Federal entity for lending regulation (with respect to regulated lending institutions) and the Secretary of Housing and Urban Development (with respect to other lending institutions) shall by regulation require each such lender to conduct a review of all loans of the lender outstanding upon the expiration of the 5-year period beginning on the date of the enactment of this Act. The review shall determine whether such loans are in compliance with the flood insurance purchase requirements under section 102(b) of the Flood Disaster Protection Act of 1973. Not later than the expiration of the period, each regulated lending institution and other lending institution shall evidence the results of the determination and compliance of each such loan with the requirements under such section 102(b) using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968.

(B) FEE FOR CONDUCTING DETERMINATIONS.—A lender may charge to the borrower under a loan of the lender that is outstanding on the date of the enactment of this Act a fee for costs of making a determination for such loan in connection with a review under subparagraph (A). The fee may not exceed 50 percent of the reasonable costs of making a determination (as established by the Director), may be charged only for a determination made within 5 years after the date of the enactment of this Act, and may be charged only once with respect to each such loan.

(3) EXEMPT LENDERS.—A lender shall not be required to conduct a review under paragraph (2) if—

(A) the lender—

(i) during the 18-month period ending on the date of the enactment of this Act, has conducted a review of all loans held by the lender (to the satisfaction of the appropriate Federal entity for lending regulation, with respect to regulated lending institutions, or to the satisfaction of the Secretary of Housing and Urban Development, with respect to other lending institutions) for purposes of determining compliance of the loans with the requirements under section 102(b) of the Flood Disaster Protection Act of 1973; and

(ii) upon the expiration of the 18-month period, is regularly providing for escrow of flood insurance premiums and fees for any loans held by the lender (for which flood insurance is required) in a manner substantially in compliance with the provisions of section 102(d) of such Act (as added by section 203(a) of this Act); or

(B) before the expiration of the 5-year period beginning on the date of the enactment of this Act, the lender conducts a review of not less than 5 percent of all loans held by the lender for purposes of analyzing the accuracy of the lender's outstanding determination regarding the applicability of the flood insurance purchase requirements (under section 102(b) of the Flood Disaster Protection Act of 1973) with respect to the loans, and demonstrates (to the satisfaction of the Federal entity for regulation or the Secretary, as applicable) that—

(i) the lender's outstanding determination regarding the applicability of flood insurance purchase requirements is correct with respect to not less than 95 percent of the loans reviewed; and

(ii) of any loans reviewed that are secured by property for which flood insurance is required under section 102(b) of the Flood Disaster Protection Act of 1973, not less than 95 percent of such properties are covered by a policy in force for flood insurance in the required amount.

SEC. 203. ESCROW OF FLOOD INSURANCE PAYMENTS.

(a) IN GENERAL.—Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) is amended by adding at the end the following new subsection:

"(d)(1) For loans secured by residential real estate, each Federal entity for lending regulation (with respect to any loans of regulated lending institutions) and the Secretary of Housing and Urban Development (with respect to any loans of other lending institutions), after consultation and coordination with the Financial Institutions Examination Council, shall by regulation direct that, if the lender or other servicer of the loan requires the escrowing of taxes, insurance premiums, or any other charges with respect to property secured under residential real estate loans, then any premiums and fees for flood insurance under the National Flood Insurance Act of 1968 for the residential real estate shall be paid to the lender or servicer of the loan. Premiums and fees paid to the lender or servicer shall be paid in a manner sufficient to make payments as due for the duration of the loan. Upon receipt of the premiums, the lender or servicer of the loan shall deposit the premiums in an escrow account on behalf of the borrower. Upon receipt of a notice from the Director or the provider of the insurance that insurance premiums are due, the lender or servicer shall pay from the escrow account to the provider of the insurance the amount of insurance premiums owed.

"(2) The appropriate head of each Federal agency acting as a lender shall by regulation require and provide for escrow and payment of any flood insurance premiums and fees relating to residential property securing loans made by the agency under the circumstances and in the manner provided under paragraph (1). Any regulations issued under this paragraph shall be consistent with and substantially identical to the regulations issued under paragraph (1).

"(3) Escrow accounts established pursuant to this subsection shall be subject to the provisions of section 10 of the Real Estate Settlement Procedures Act of 1974.

"(4)(A) Notwithstanding any State or local law, the Federal entities for lending regulation, the Secretary of Housing and Urban Development (after consultation and coordination with the Financial Institutions Examination Council), and the appropriate heads of Federal agencies acting as lenders shall by regulation direct that any lender who purchases flood insurance or renews a contract for flood insurance on behalf of or as an agent of a borrower of a loan secured by residential real estate for which (i) flood insurance is required, and (ii) an escrow account for payment of taxes, insurance premiums, or other charges has not been established, shall provide to the borrower written notice of the purchase or renewal (as the Director determines appropriate) on at least 2 separate occasions before the purchase or renewal.

"(B) The notice under this paragraph shall contain the following information:

"(i) A statement that the lender will purchase or renew the flood insurance on behalf of or as an agent of the borrower.

"(ii) The date on which such purchase or renewal will occur.

"(iii) The cost of the insurance coverage as purchased or renewed by the lender.

"(iv) A statement that the borrower may avoid the purchase or renewal by the lender by purchasing flood insurance coverage under the national flood insurance program or from private insurers.

"(v) Any other information that the Director considers appropriate.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to—

(1) any loan made, increased, extended, or renewed after the expiration of the 1-year period beginning on the date of the enactment of this Act; and

(2) any loan outstanding after the expiration of the 5-year period beginning on the date of the enactment of this Act.

SEC. 204. FINE FOR FAILURE TO REQUIRE FLOOD INSURANCE OR NOTIFY.

Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(e)(1) Any regulated or other lending institution that is found to have a pattern or practice of committing violations under paragraph (2) shall be assessed a civil penalty by the appropriate Federal entity for lending regulation (with respect to regulated lending institutions) or the Secretary of Housing and Urban Development (with respect to any other lending institutions) of not more than $350 for each such violation. A penalty under this subsection may be issued only after notice and an opportunity for a hearing on the record.

"(2) The violations referred to in paragraph (1) shall be—

"(A) after the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991, making, increasing, extending, or renewing a loan in violation of escrow requirements under subsection (d) of this section; and

"(B) with respect to any loan made, increased, extended or renewed after the expiration of the 1-year period beginning on such date of enactment and any loan outstanding after the expiration of the 5-year period beginning on such date of enactment, making, increasing, ex-

tending, or renewing any such loan in violation of the regulations issued pursuant to subsection (b) of this section or the notice requirements under section 1364 of the National Flood Insurance Act of 1968.

"(3) The total amount of penalties assessed under this subsection against any single lender for any calendar year may not exceed $100,000.

"(4) Notwithstanding any State or local law, for purposes of this subsection, any lender that purchases flood insurance or renews a contract for flood insurance on behalf of or as an agent of a borrower of a loan for which flood insurance is required shall be considered to have complied with the regulations issued under subsection (b).

"(5) Any sale or other transfer of a loan by a lender who has committed a violation under paragraph (1), that occurs subsequent to the violation, shall not affect the liability of the transferring lender with respect to any penalty under this subsection. A lender shall not be liable for any violations relating to a loan committed by another lender who previously held the loan.

"(6) Any penalties collected under this subsection shall be paid into the National Flood Mitigation Fund established under section 1367 of the National Flood Insurance Act of 1968.

"(7) Any penalty under this subsection shall be in addition to any civil remedy or criminal penalty otherwise available.

"(8) No penalty may be imposed under this subsection for any violation under paragraph (1) after the expiration of the 5-year period beginning on the date of the occurrence of the violation.".

SEC. 205. ONGOING COMPLIANCE WITH FLOOD INSURANCE PURCHASE REQUIREMENTS.

(a) IN GENERAL.—Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(f)(1) Except as provided in paragraphs (2), (3), and (4), before the sale or transfer of any loan secured by improved real estate or a mobile home, the seller or transferor of the loan shall determine whether the property is in an area that has been designated by the Director as an area having special flood hazards. The seller or transferor shall, before sale or transfer, notify the purchaser or transferee and any servicer of the loan in writing regarding the results of the determination. A determination under this paragraph shall be evidenced using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968.

"(2) For any loan secured by improved real estate or a mobile home, a determination and notice under paragraph (1) shall not be required if, during the 5-year period ending on the date of the sale or transfer of the loan—

"(A) a determination and notice under paragraph (1) has been made for the property secured by the loan; or

"(B)(i) the loan has been made, increased, extended, or renewed; and

"(ii) the lender making, increasing, extending, or renewing the loan was subject, at the time of such transaction, to regulations issued pursuant to paragraph (1), (2), or (3) of subsection (b).

"(3)(A) For any loan secured by improved real estate or a mobile home that is sold or transferred by the Federal Deposit Insurance Corporation acting in its corporate capacity or in its capacity as conservator or receiver, the purchaser or transferee of the loan shall determine whether the property is in an area that has been designated by the Director as an area having special flood hazards.

"(B) Such determination and notice shall not be required for any loan—

"(i) sold or transferred to an entity under the control of the Federal Deposit Insurance Corporation; or

"(ii) for which the purchaser or transferee exercises any available option to transfer or put the loan back to the Federal Deposit Insurance Corporation.

"(C) A purchaser or transferee of a loan required to make a determination and notification under subparagraph (A) shall notify the Director and any servicer of the loan of the results of the determination (using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968) before the expiration of the 90-day period beginning on the later of (i) the purchase or transfer of the loan, or (ii) the expiration of any option that the purchaser or transferee may have to transfer or put the loan back to the Federal Deposit Insurance Corporation.

"(4)(A) For any loan secured by improved real estate or a mobile home that is sold or transferred by the Resolution Trust Corporation acting in its corporate capacity or in its capacity as a conservator or receiver, the purchaser or transferee of the loan shall determine whether the property is in an area that has been designated by the Director as an area having special flood hazards if—

"(i) the Resolution Trust Corporation acquires the loan after the date of the effectiveness of this subsection and sells or transfers the loan before the expiration of the 12-month period beginning on such effective date; or

"(ii) the Corporation holds the loan on the date of the effectiveness of this subsection and sells or transfers the loan before the expiration of the 6-month period beginning on such effective date.

"(B) A purchaser or transferee of a loan required to make a determination and notification under subparagraph (A) shall notify the Director and any servicer of the loan of the results of the determination (using the standard hazard determination form under section 1365 of the National Flood Insurance Act of 1968) before the expiration of the 90-day period beginning upon the purchase or transfer of the loan.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to any loan outstanding or entered into after the expiration of the 1-year period beginning on the date of the enactment of this Act.

SEC. 206. NOTICE REQUIREMENTS.

Section 1364 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104a) is amended to read as follows:

"NOTICE REQUIREMENTS

"SEC. 1364. (a) NOTIFICATION OF SPECIAL FLOOD HAZARDS.—

"(1) LENDING INSTITUTIONS.—Each Federal entity for lending regulation (with respect to regulated lending institutions) and the Secretary of Housing and Urban Development (with respect to other lending institutions), after consultation and coordination with the Financial Institutions Examination Council, shall by regulation require such institutions, as a condition of making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Director under this title or the Flood Disaster Protection Act of 1973 as an area having special flood hazards, to notify the purchaser or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) and the servicer of the loan of such special flood hazards, in writing, a reasonable period in advance of the signing of the purchase agreement, lease, or other documents involved in the transaction. The regulations shall also require that the lenders retain a record of the receipt of the notices by the purchaser or lessee and the servicer.

"(2) FEDERAL AGENCIES AS LENDERS.—The appropriate head of each Federal agency acting as a lender shall by regulation require notification in the manner provided under paragraph (1) with respect to any loan that is made by the agency and secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Director under this title or the Flood Disaster Protection Act of 1973 as an area having special flood hazards. Any regulations issued under this paragraph shall be consistent with and substantially identical to the regulations issued under paragraph (1).

"(3) CONTENTS OF NOTICE.—Written notification required under this subsection shall include—

"(A) a warning, in a form to be established in consultation with and subject to the approval of the Director, stating that the real estate or mobile home securing the loan is located or is to be located in an area having special flood hazards;

"(B) a description of the flood insurance purchase requirements under section 102(b) of the Flood Disaster Protection Act of 1973;

"(C) a statement that flood insurance coverage may be purchased under the national flood insurance program and is also available from private insurers; and

"(D) any other information that the Director considers necessary to carry out the purposes of the national flood insurance program.

"(b) NOTIFICATION OF CHANGE OF LOAN HOLDER AND SERVICER.—

"(1) LENDING INSTITUTIONS.—Each Federal entity for lending regulation (with respect to regulated lending institutions) and the Secretary of Housing and Urban Development (with respect to other lending institutions), after consultation and coordination with the Financial Institutions Examination Council, shall by regulation require such institutions, as a condition of making, increasing, extending, renewing, selling, or transferring any loan described in subsection (a)(1), to notify the Director (or the designee of the Director) in writing during the term of the loan of the owner and servicer of the loan. Such institutions shall also notify the Director (or such designee) of any change in the owner or servicer of the loan, not later than 60 days after the effective date of such change. The regulations under this subsection shall provide that upon any sale or transfer of a loan, the duty to provide notification under this subsection shall transfer to the transferee of the loan.

"(2) FEDERAL AGENCIES AS LENDERS.—The appropriate head of each Federal agency acting as a lender shall by regulation provide for notification in the manner provided under paragraph (1) with respect to any loan described in subsection (a)(1) that is made by the agency. Any regulations issued under this paragraph shall be consistent with and substantially identical to the regulations issued under paragraph (1) of this subsection.

"(c) NOTIFICATION OF EXPIRATION OF INSURANCE.—The Director (or the designee of the Director) shall, not less than 45 days before the expiration of any contract for flood insurance under this title, issue notice of such expiration by first class mail to the owner of the property, the servicer of any loan secured by the property covered by the contract, and the owner of the loan.".

SEC. 207. STANDARD HAZARD DETERMINATION FORMS.

Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) is amended by adding at the end the following new section:

"STANDARD HAZARD DETERMINATION FORMS

"SEC. 1365. (a) DEVELOPMENT.—The Director, in consultation with representatives of the mortgage and lending industry, the Federal entities

for lending regulation, the Federal agencies acting as lenders, and any other appropriate individuals, shall develop standard written and electronic forms for applications relating to real estate loans and mortgages for determining flood hazard exposure of a property.

"(b) DESIGN AND CONTENTS.—

"(1) PURPOSE.—The form under subsection (a) shall be designed to facilitate a determination of the exposure to flood hazards of structures located on the property to which the loan application relates. The form shall be consistent with and appropriate to facilitate compliance with the provisions of this title.

"(2) CONTENTS.—The form shall require identification of the type of flood-risk zone in which the property is located, the complete map and panel numbers for the property, and the date of the map used for the determination, with respect to flood hazard information on file with the Director. If the property is not located in an area of special flood hazard the form shall require a statement to such effect and shall indicate the complete map and panel numbers of the property. If the complete map and panel numbers for the property are not available because the property is not located in a community that is participating in the national flood insurance program or because no map exists for the relevant area, the form shall require a statement to such effect. The form shall provide for inclusion or attachment of any relevant documents indicating revisions or amendments to maps.

"(c) REQUIRED USE.—The Federal entities for lending regulation shall by regulation require the use of the form under this section by regulated lending institutions. The appropriate head of each Federal agency acting as a lender shall by regulation provide for the use of the form with respect to any loan made by such agency. The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall by regulation require use of the form in connection with loans purchased by such corporations. The Secretary of Housing and Urban Development shall encourage the use of the form by other lending institutions.

"(d) GUARANTEES REGARDING INFORMATION.—In providing information regarding special flood hazards on the form developed under this section (or otherwise required of a lender not required to use the form under this section) any lender making, increasing, extending, or renewing a loan secured by improved real estate or a mobile home may provide for the acquisition or determination of such information to be made by a person other than such institution, only to the extent such person guarantees the accuracy of the information. The Director shall by regulations establish requirements relating to the nature and manner of such guarantees.

"(e) ELECTRONIC FORM.—The Federal entities for lending regulation, the Secretary of Housing and Urban Development, and the appropriate head of each Federal agency acting as a lender shall by regulation require any lender using the electronic form developed under this section with respect to any loan to make available upon the request of such Federal entity, Secretary, or agency head, a written form under this section for such loan within 48 hours after such request.".

SEC. 208. FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

Section 1006 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3305) is amended by adding at the end the following new subsection:

"(g) The council shall consult and assist the Federal entities for lending regulation and the Secretary of Housing and Urban Development in developing and coordinating uniform standards and requirements for use by lenders as provided under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973.".

SEC. 209. CONFORMING AMENDMENT.

The section heading for section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) is amended to read as follows:

"FLOOD INSURANCE PURCHASE AND COMPLIANCE REQUIREMENTS AND ESCROW ACCOUNTS".

TITLE III—RATINGS AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT PROGRAMS

SEC. 301. COMMUNITY RATING SYSTEM AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT.

Section 1315 of the National Flood Insurance Act of 1968 (42 U.S.C. 4022) is amended—

(1) by inserting after "SEC. 1315." the following: "(a) REQUIREMENT FOR PARTICIPATION IN FLOOD INSURANCE PROGRAM.—"; and

(2) by adding at the end the following new subsection:

"(b) COMMUNITY RATING SYSTEM AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT.—

"(1) AUTHORITY AND GOALS.—The Director shall carry out a community rating system program to evaluate the measures adopted by areas (and subdivisions thereof) in which the Director has made flood insurance coverage available to provide for adequate land use and control provisions consistent with the comprehensive criteria for such land management and use under section 1361, to facilitate accurate risk-rating, to promote flood insurance awareness, and to complement adoption of more effective measures for floodplain and coastal erosion management.

"(2) INCENTIVES.—The program under this subsection shall provide incentives in the form of adjustments in the premium rates for flood insurance coverage in areas that the Director determines have adopted and enforced the goals of the community rating system under this subsection. In providing incentives under this paragraph, the Director may provide for additional adjustments in premium rates for flood insurance coverage in areas that the Director determines have implemented measures relating to the protection of natural and beneficial floodplain functions.

"(3) FUNDS.—The Director shall carry out the program under this subsection with amounts, as the Director determines necessary, from the National Flood Insurance Fund under section 1310 and any other amounts that may be appropriated for such purpose.

"(4) REPORTS.—The Director shall submit a report to the Congress regarding the program under this subsection not later than the expiration of the 2-year period beginning on the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991. The Director shall submit a report under this paragraph not less than every 2 years thereafter. Each report under this paragraph shall include an analysis of the cost-effectiveness and other accomplishments and shortcomings of the program and any recommendations of the Director for legislation regarding the program.".

SEC. 302. FUNDING.

Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (5) the following new paragraph:

"(6) for carrying out the program under section 1315(b);".

TITLE IV—MITIGATION OF FLOOD AND EROSION RISKS

SEC. 401. OFFICE OF MITIGATION ASSISTANCE IN FEDERAL INSURANCE ADMINISTRATION.

Section 1105(a) of the Housing and Urban Development Act of 1968 (42 U.S.C. 3533a(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The Director, through an Office of Mitigation Assistance, shall carry out flood and coastal erosion mitigation activities under the Federal Insurance Administrator, as follows:

"(A) Coordination of all mitigation activities, including administration of the program for mitigation assistance under section 1366 of the National Flood Insurance Act of 1968.

"(B) Administration of the program under section 406(b) of this Act for purchase of certain insured properties.

"(C) Administration of the erosion management program under section 1368 of the National Flood Insurance Act of 1968.

"(D) Development and implementation of various mitigation activities and techniques.

"(E) Provision of advice and assistance regarding mitigation to States, communities, and individuals, including technical assistance under section 1366(d).

"(F) Coordination with State and local governments and public and private agencies and organizations for collection and dissemination of information regarding coastal and Great Lakes erosion.".

SEC. 402. MITIGATION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"MITIGATION ASSISTANCE

"SEC. 1366. (a) AUTHORITY.—The Director, through the Office of Mitigation Assistance, shall carry out a program, with amounts made available from the National Flood Mitigation Fund under section 1367, to make grants to States, communities, and individuals to carry out eligible mitigation activities.

"(b) ELIGIBLE RECIPIENTS.—Subject to the other requirements of this section and any regulations issued by the Director under this section, the Director may make grants under this section to—

"(1) any State;

"(2) any community participating in the national flood insurance program under this title that—

"(A) has adopted—

"(i) land use and control measures that (in the determination of the Director) are more protective against flood losses than the criteria established by the Director under section 1361;

"(ii) if applicable, a plan for management of coastal erosion-prone areas; and

"(iii) measures that (in the determination of the Director) provide for the protection of natural and beneficial floodplain functions;

"(B) during the 12-month period ending on the date of the community's application for a grant under this section, has incurred flood damage (excluding infrastructure damage) aggregating more than $250,000; or

"(C) is a community that has suffered recurring flood damages and claims, as determined by the Director, that is in full compliance with the requirements under the national flood insurance program; and

"(3) any individual, with respect to property that—

"(A) has been continuously covered by a contract for flood insurance under this title for the preceding 2 years;

"(B) has incurred flood damage after December 31, 1977, which was covered by a contract for flood insurance under this title; and

"(C) is located in a community that is in full compliance with the requirements under the national flood insurance program.

"(c) ELIGIBLE MITIGATION ACTIVITIES.—

"(1) PURPOSE AND DETERMINATION.—Amounts from grants under this section may be used only for eligible mitigation activities under this subsection, as the Director shall determine, that are designed to reduce flood-related losses in a proactive manner.

"(2) REQUIREMENTS.—To be eligible for assistance under this section, mitigation activities shall be technically feasible and cost-effective with respect to the particular community or situation and in the best interests of the national flood insurance program. After consultation with representatives of States and communities, the Director shall by regulation establish requirements regarding such feasibility and cost-effectiveness. Such activities may include, but are not limited to—

"(A) elevation of structures;

"(B) relocation of structures;

"(C) flood-proofing of structures;

"(D) the provision of technical assistance by States to communities and individuals; and

"(E) acquisition by States and communities of property, for use for a period of not less than 40 years following transfer for such purposes as the Director determines are consistent with sound land management and use in such area, which property—

"(i) is located in flood-risk area, as determined by the Director;

"(ii) is covered by a contract for flood insurance under this title; and

"(iii) while so covered (I) was damaged substantially beyond repair, (II) incurred significant flood damage on not less than 2 previous occasions over a 5-year period for which the average damage equaled or exceeded 25 percent of the value of the structure at the time of the flood event, or (III) sustained damage as a result of a single casualty of any nature under such circumstances that a statute, ordinance, or regulation precludes its repair or restoration or permits repair or restoration only at a significantly increased construction cost.

"(3) LOCATION.—States receiving grants under this section may provide assistance for mitigation activities within the State undertaken by communities and individuals. Communities receiving grants may provide assistance for mitigation activities within the community that are undertaken by the State or by individuals.

"(4) INELIGIBILITY OF ACTIVITIES IN EROSION HAZARD AREAS.—Notwithstanding any other provision of this section, the Director may not make a grant or provide amounts under this section for any mitigation activity carried out within any area that is (A) designated under section 1368(b) as erosion-prone, and (B) located in a community that has not adopted adequate land management and use measures that are consistent with the standards established under section 1368(d).

"(5) STATE AND LOCAL LAWS.—Eligible mitigation activities may be assisted with amounts made available under this section and matching amounts provided in compliance with subsection (g) notwithstanding any conflicting State or local laws.

"(d) TECHNICAL ASSISTANCE.—The Director shall make available, to States, communities, and individuals interested in receiving grants under this section, technical assistance in identifying and planning appropriate eligible mitigation activities, and in developing flood risk mitigation plans under subsection (f)(2).

"(e) GRANT LIMITATIONS.—

"(1) AMOUNT.—The amount of any single grant provided under this section may not exceed—

"(A) $5,000,000, to any State;

"(B) $5,000,000, to any community; and

"(C) $250,000, to any individual.

"(2) TIMING.—The Director may not make a grant or provide amounts under this section to any State, community, or individual that has received amounts from a grant during the preceding 2 years, except that the Director may provide that, with respect to any grant to any State or community in an amount of $3,000,000 or more, outlays for the grant may occur over a period not exceeding 4 years.

"(3) STRUCTURE TYPE.—The Director shall establish maximum limits regarding the amount of assistance that may be provided with amounts from grants under this section for single-family dwellings, residential structures containing more than 1 dwelling unit, and nonresidential properties.

"(f) APPLICATION AND MITIGATION PLAN.—

"(1) FORM AND PROCEDURE.—The Director shall provide for the submission of applications for grants under this section in the form and in accordance with such procedures as the Director shall establish. The Director shall establish separate application procedures and requirements for applications by individuals.

"(2) STATE AND COMMUNITY FLOOD RISK MITIGATION PLAN.—The Director may not approve an application by a State or community for a grant under this section unless the application proposes eligible mitigation activities identified in a flood risk mitigation plan, which is approved by the Director and includes—

"(A) a statement of the mitigation needs of the State or community;

"(B) a statement of a comprehensive strategy for mitigation activities for the State or community, as applicable, designed to address the mitigation needs referred to in the statement under subparagraph (A), which strategy shall have been adopted by the appropriate public body pursuant to not less than 1 public hearing;

"(C) a statement that the mitigation activities to be assisted with amounts under this section and any activities under the comprehensive strategy are designed in coordination with and comply with other State and regional watershed and stormwater management programs and standards; and

"(D) a description of resources that are expected to be made available for purposes of meeting the matching requirement under subsection (g); and

"(E) any other information that the Director considers appropriate.

"(3) INDIVIDUAL APPLICATIONS AND COMPLIANCE WITH MITIGATION PLANS.—The Director may not approve an application by an individual for a grant under this section unless the mitigation activities proposed in the application are consistent with land use and control measures under section 1315 and any applicable State or community land use and control measures and flood risk mitigation plans.

"(4) NOTIFICATION OF APPROVAL.—The Director shall notify each applicant for assistance under this section of approval or disapproval of the application not later than 6 months after submission of the application. If the Director does not approve an application, the Director shall notify the applicant in writing of the reasons for such disapproval.

"(g) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The Director may not make a grant under this title to any State or community in an amount in excess of 3 times the amount that the State or community certifies, as the Director shall require, that the State or community will contribute from non-Federal funds to carry out mitigation activities assisted with amounts provided under this section.

"(2) NON-FEDERAL FUNDS.—For purposes of this subsection, the term 'non-Federal funds' includes State or local agency funds, any salary paid to staff to carry out the mitigation activities of the recipient, the value of the time and services contributed by volunteers to carry out such activities (at a rate determined by the Director), and the value of any donated material or building and the value of any lease on a building.

"(h) ALLOCATION OF AMOUNTS.—The Director shall allocate amounts in the National Flood Mitigation Fund made available for grants under this section for grants to States, communities, and individuals, in such amounts and such proportion as the Director shall determine. The Director shall allocate amounts and make grants pursuant to specific applications in a manner that the Director determines best protects the interests of the National Flood Insurance Fund through mitigation of flood risks. In selecting applications to receive grants under this section, the Director may establish priorities for applications proposing certain eligible mitigation activities.

"(i) RECAPTURE.—If the Director determines that any State, community, or individual that has received a grant under this section has not made substantial progress in carrying out the mitigation activities proposed in the application for the grant within 18 months after receipt of the grant amounts, the Director shall recapture any unexpended grant amounts and deposit such amounts in the National Flood Mitigation Fund.

"(j) COMPLIANCE WITH APPLICATION AND MITIGATION PLANS.—The Director shall conduct oversight of recipients of grants under this section to ensure that the grant amounts are used in compliance with the approved applications for the grants and any applicable flood risk mitigation plans.

"(k) DELEGATION OF AUTHORITY TO STATES.—

"(1) IN GENERAL.—The Director may delegate to any State the authority and responsibility of approving applications for grants to communities and individuals under this section and providing technical assistance under subsection (d), but only upon a finding that a State is capable of making such determinations and providing such assistance.

"(2) GUIDELINES.—The Director shall establish, by regulation, guidelines for delegating authority under this subsection. Such regulations shall be issued not later than the expiration of the 18-month period beginning on the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991.

"(l) DEFINITION OF COMMUNITY.—For purposes of this subsection, the term 'community' has the meaning given the term under section 3(a) of the Flood Disaster Protection Act of 1973.".

(b) REGULATIONS.—Not later than the expiration of the 24-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall issue regulations implementing section 1366 of the National Flood Insurance Act of 1968.

SEC. 403. ESTABLISHMENT OF NATIONAL FLOOD MITIGATION FUND.

Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"NATIONAL FLOOD MITIGATION FUND

"SEC. 1367. (a) ESTABLISHMENT AND AVAILABILITY.—The Director shall establish in the Treasury of the United States a fund to be known as the National Flood Mitigation Fund, which shall be credited with amounts described in subsection (b) and shall be available, to the extent provided in appropriation Acts, for grants under section 1366.

"(b) CREDITS.—The National Flood Mitigation Fund shall be credited with—

"(1) any premium surcharges assessed under section 1308(e);

"(2) any amounts recaptured under section 1366(i);

"(3) to the extent approved in appropriation Acts, any amounts made available to carry out section 1362 that remain unexpended after the submission of the certification under section 406(b) of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991; and

"(4) any penalties collected under section 102(e) of the Flood Disaster Protection Act of 1973.

"(c) INVESTMENT.—If the Director determines that the amounts in the National Flood Mitigation Fund are in excess of amounts needed under subsection (a), the Director may invest any excess amounts the Director determines advisable in interest-bearing obligations issued or guaranteed by the United States.

"(d) REPORT.—The Director shall submit a report to the Congress not later than the expiration of the 1-year period beginning on the date of the enactment of this Act and not less than once during each successive 2-year period thereafter. The report shall describe the status of the Fund and any activities carried out with amounts from the Fund.".

SEC. 404. INSURANCE PREMIUM MITIGATION SURCHARGE.

(a) IN GENERAL.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of this title, the Director shall assess, with respect to each contract for flood insurance coverage under this title, a mitigation surcharge of $5 per policy term. Any mitigation surcharges collected shall be paid into the National Flood Mitigation Fund under section 1367. The mitigation surcharges shall not be subject to any agents' commissions, company expenses allowances, or State or local premium taxes.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any contract for flood insurance under the National Flood Insurance Act of 1968 issued or renewed after the expiration of the 24-month period beginning on the date of the enactment of this Act.

SEC. 405. MITIGATION TRANSITION PILOT PROGRAM.

(a) AUTHORITY.—The Director of the Federal Emergency Management Agency may, through the Office of Mitigation Assistance under the Federal Insurance Administrator, carry out a program to make grants to States, communities, and individuals to carry out eligible mitigation activities under section 1366 of the National Flood Insurance Act of 1968 before the full implementation of the program under such section.

(b) REQUIREMENTS.—The program under this subsection shall be subject to the provisions of such section 1366 and the proposed regulations issued under section 402(b) of this Act and shall terminate upon the first availability of grants under section 1366, but in no case before final regulations implementing the program for grants under such section 1366 have been issued.

(c) FUNDING.—From any amounts made available for use under section 1362 of the National Flood Insurance Act of 1968 in fiscal year 1992 and any fiscal year thereafter (until the termination of the pilot program under this subsection) the Director of the Federal Emergency Management Agency may use $1,250,000 in each such fiscal year to carry out the pilot program under this subsection.

SEC. 406. REPEAL OF PROGRAM FOR PURCHASE OF CERTAIN INSURED PROPERTIES.

(a) REPEAL.—Section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) is repealed.

(b) TRANSITION.—Notwithstanding the repeal under subsection (a), the Director of the Federal Emergency Management Agency may continue to purchase property under subsections (a) and (b) of section 1362 of the National Flood Insurance Act of 1968, as such section existed immediately before the enactment of this Act, during the period beginning on the date of the enactment of this Act and ending upon the submission to the Congress of a certification under this paragraph by the Director. The certification shall be made upon the first availability of grants under section 1366 of the National Flood Insurance Act of 1968 and shall certify the availability of such grants. The certification may not be made until final regulations implementing the program for grants under such section 1366 have been issued.

SEC. 407. EROSION MANAGEMENT PROGRAM.

(a) IN GENERAL.—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"EROSION MANAGEMENT PROGRAM

"SEC. 1368. (a) ESTABLISHMENT.—The Director, through the Office of Mitigation Assistance under the Federal Insurance Administrator, shall carry out a program to reduce coastal erosion hazards along the tidal waters of the United States and the shorelines of the Great Lakes, subject to the requirements of this section. The Director shall implement the program under this section and issue any regulations necessary to carry out the program not later than the expiration of the 24-month period beginning on the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991.

"(b) HAZARD IDENTIFICATION.—

"(1) DIRECTOR.—Using erosion rate information and other historical data available, the Director shall identify and publish information with respect to erosion hazards of areas and communities located along the tidal waters of the United States or the shoreline of the Great Lakes that are subject to erosion damage. The Director shall designate any areas subject to special erosion hazards as erosion-prone areas and shall designate any communities containing such areas as erosion-prone communities, for purposes of this section. The Director shall notify erosion-prone communities of such designation and erosion-prone areas not later than 60 days after the designation.

"(2) COMMUNITY REQUEST.—The Director may (pursuant to a request by the community and a determination by the Director) designate as an erosion-prone community any community that—

"(A) contains land that is along the shoreline of the Great Lakes or the tidal waters of the United States; and

"(B) is not designated as an erosion-prone community under paragraph (1).

"(3) INITIAL DESIGNATIONS.—The Director shall complete the initial designations of areas subject to special erosion hazards not later than the expiration of the 60-month period beginning on the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991.

"(c) EROSION SETBACKS.—The Director shall, for each erosion-prone community, identify and establish 10-year, 30-year, and 60-year erosion setbacks for purposes under this Act, except that the Director may provide for such communities to identify and establish the setbacks.

"(d) LAND USE RESTRICTIONS.—The Director shall establish comprehensive land management and use standards designed to mitigate the effects of erosion hazards in erosion-prone communities. The standards shall provide for consideration of the severity of erosion risks, construction requirements, and other restrictions on building construction and shall prohibit—

"(1) the relocation of any structure consisting of 1 to 4 dwelling units to, or the new construction or substantial improvement of any such structure on, any location seaward of the 30-year erosion setback established under subsection (c) or any other greater setback established under State or local law;

"(2) the relocation of any other structure to, or the new construction or substantial improvement of any other structure on, any location seaward of the 60-year erosion setback established under subsection (c) or any other greater setback established under State or local law; and

"(3) the new construction or substantial improvement of any structure consisting of 1 to 4 dwelling units that is not readily movable (in the determination of the Director) located seaward of the 60-year erosion setback established under subsection (c).

"(e) REQUIRED ADOPTION OF LAND USE RESTRICTIONS.—The Director may provide erosion mitigation assistance under this section only with respect to structures located in communities designated as erosion-prone that have adopted adequate land management and use measures through the appropriate public body that are consistent with land management and use standards established by the Director under subsection (d).

"(f) ELIGIBILITY OF STRUCTURES FOR MITIGATION ASSISTANCE.—The Director may provide erosion mitigation assistance under this section only with respect to structures that—

"(1) have been continuously covered by a contract for flood insurance coverage under this title for the lesser of—

"(A) the 2-year period ending on the date on which the application for assistance under this section is submitted; or

"(B) the term of ownership of the owner submitting the application for assistance under this section;

"(2) are located in an area designated as an erosion-prone area under subsection (b); and

"(3) are certified by the Director as—

"(A) located within the 10-year erosion setback; or

"(B) subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of surface water, pursuant to—

"(i) a written recommendation by any appropriate Federal, State, or local land use authority; or

"(ii) condemnation of the structure by any appropriate Federal, State, or local land use authority.

"(g) ELIGIBLE EROSION MITIGATION ACTIVITIES.—Any erosion mitigation assistance provided under this section may not be used for any land acquisition costs. Such assistance shall be used only in connection with structures eligible under subsections (e) and (f) and only for the following erosion mitigation activities:

"(1) RELOCATION.—For activities to relocate the structure—

"(A) for structures consisting of 1 to 4 dwelling units, landward of the greater of the distance established by (i) the 30-year erosion setback under subsection (c), or (ii) any setback under State or local ldw; and

"(B) for any other structures, landward of the greater of the distance established by (i) the 60-year erosion setback under subsection (c), or (ii) any setback under State or local law.

"(2) DEMOLITION.—For activities to demolish the structure only if—

"(A) the cost of relocating the structure exceeds the value of the structure determined under subsection (h)(1);

"(B) the structure is not of such structural soundness, in the determination of the Director, to permit relocation in a safe manner; or

"(C) the Director determines that extraordinary circumstances relating to the structure or the property on which the structure is located make demolition necessary.

"(h) EROSION MITIGATION ASSISTANCE PAYMENTS.—From any amounts in the National Flood Insurance Fund made available to carry out this section, the Director may make payments for erosion mitigation activities to owners of structures eligible for such assistance under subsections (e) and (f) who submit applications for such assistance in the form and manner required by the Director and whose applications are approved by the Director. Erosion mitigation payments under this subsection shall be in the following amounts:

"(1) RELOCATION.—For relocation of a structure, an amount not exceeding 40 percent of the value of the structure, which shall be the lowest of the following amounts (as determined by the Director):

"(A) The replacement cost of the structure less any physical depreciation of a comparable structure not subject to imminent collapse or subsidence.

"(B) The price paid for the structure and any improvements to the structure, adjusted for inflation according to an appropriate index determined by the Director.

"(C) The insured value of the structure under the flood insurance contract under this title for the structure.

"(2) DEMOLITION.—For demolition of a structure—

"(A) an amount not exceeding 40 percent of the value of the structure as determined under paragraph (1), which shall be paid to the owner following a final determination under subsection (g)(2) that erosion mitigation payments may be made for demolition of the structure; and

"(B) an amount not exceeding the sum of (i) 60 percent of the value of the structure as determined under paragraph (1), and (ii) the lesser of 10 percent of the value of the structure or the actual cost of demolition, which sum shall be paid to the owner following demolition of the structure.

"(i) LIMITATION OF FLOOD INSURANCE COVERAGE FOR FAILURE TO MITIGATE.—With respect to any structure eligible for erosion mitigation assistance under this section, if the owner fails to relocate or demolish the structure in compliance with the setback requirements under subsection (g) before the expiration of the 24-month period beginning on the date of the certification of the structure under subsection (f)(3) (unless such period is extended by the Director for good cause), notwithstanding any other provision of this title or of any contract for flood insurance under this title—

"(1) any payment for any claim thereafter under a contract for flood insurance coverage under this title for the structure may not exceed the lesser of (A) 40 percent of the value of the structure (determined under subsection (h)(1)), or (B) the actual flood damage incurred; and

"(2) the Director shall cancel any flood insurance contract under this title for the structure upon the payment of any claim referred to in paragraph (1) and the structure shall not thereafter be eligible for a contract for flood insurance under this title.

"(j) LIMITATION OF FLOOD INSURANCE AVAILABILITY FOR STRUCTURES ON ASSISTED PROPERTIES.—

"(1) CANCELLATION OF EXISTING FLOOD INSURANCE POLICY.—Upon the demolition or relocation of a structure with assistance under this section, the Director shall cancel any contract for flood insurance under this title for the structure.

"(2) LIMITATION ON NEW FLOOD INSURANCE.—No new flood insurance coverage under this title nor any assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (except for emergency assistance essential to save lives or property or protect public health or safety) may be provided for any structure for which erosion mitigation assistance under this section has been provided and that is relocated, unless the structure is relocated in compliance with the setback requirements under subsection (g)(1).

"(k) REGULATIONS.—The Director may issue any regulations necessary to carry out this section.

"(l) REPORT.—The Director shall submit a report to the Congress regarding the implementation of the erosion management program under this section not later than the expiration of the 24-month period beginning on the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991. The report shall include any findings and recommendations of the Director regarding the program and a description of any regulations and procedures established for the program.".

(b) FUNDING.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(7) for providing erosion mitigation assistance under section 1368, in an amount not to exceed $5,000,000 in each fiscal year; and".

SEC. 408. REPEAL OF PROVISIONS FOR CLAIMS FOR IMMINENT COLLAPSE AND SUBSIDENCE.

(a) REPEAL.—Subsection (c) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)) is repealed.

(b) TRANSITION.—Notwithstanding the repeal under subsection (a), the Director may continue to pay amounts under flood insurance contracts in accordance with section 1306(c) of the National Flood Insurance Act of 1968 (as such section existed immediately before the enactment of this Act) during the following periods:

(1) EROSION-PRONE AREAS.—For any property located in an erosion-prone area designated under section 1368(b) of the National Flood Insurance Act of 1968, during the period beginning on the date of the enactment of this Act and ending upon the expiration of the 12-month period that begins on the notification under section 1368(b)(1) of such Act to the community containing the area.

(2) OTHER AREAS.—For any other property, during the period beginning on the date of the enactment of this Act and ending upon the expiration of the 60-month period beginning on the date of the enactment of this Act.

SEC. 409. EROSION SETBACK LIMITATION ON AVAILABILITY OF FLOOD INSURANCE.

Section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsections:

"(c)(1) Notwithstanding any other provision of this title or of any contract for flood insurance under this title, with respect to any structure described in paragraph (2)—

"(A) any payment for any claim (made after the date of the notification under section 1368(b)(1) to the erosion-prone community in which the structure is located) under a contract for flood insurance coverage under this title for the structure may not exceed the lesser of (i) 40 percent of the value of the structure (determined as provided in section 1368(h)(1)), or (ii) the actual flood damage incurred; and

"(B) the Director shall cancel any flood insurance contract under this title for the structure upon the payment of any claim referred to in subparagraph (A) and the structure shall not thereafter be eligible for a contract for flood insurance under this title.

"(2) This subsection shall apply with respect to any structure that is—

"(A) located in a community that (i) has been designated by the Director under section 1368(b) as erosion-prone, and (ii) has not adopted land management and use measures as provided under section 1368(e);

"(B) located seaward of the 10-year erosion setback established under section 1368(c); and

"(C) existing on the date of the notification under section 1368(b)(1) to the erosion-prone community in which the structure is located.

"(d) Flood insurance coverage under this title may not be provided for any structure that is—

"(1) located seaward of—

"(A) the 30-year erosion setback established under section 1368(c), with respect to structures consisting of 1 to 4 dwelling units; or

"(B) the 60-year erosion setback established under section 1368(c), with respect to any other structures; and

"(2) constructed, substantially improved, or relocated to such location after the date of the notification under section 1368(b)(1) to the erosion-prone community in which the structure is located.".

SEC. 410. EROSION SETBACK LIMITATION ON FLOOD INSURANCE PREMIUM RATES.

Section 1308 of the National Flood Insurance Act of 1968 (12 U.S.C. 4015) is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of this title or of any contract for flood insurance under this title, with respect to any structure described in paragraph (3), the Director shall increase the chargeable premium rate under the contract for flood insurance for the structure in an amount determined by the Director. This paragraph may not be construed to require an increase in the premium rate to an amount equal to or in excess of the full actuarial rate for the property.

"(2) The Director shall provide for increases under paragraph (1) for any structure described in paragraph (3) at any time after the expiration of the 2-year period beginning upon the receipt of notification under section 1368(b) by the community in which the structure is located.

"(3) This subsection shall apply to any structure that is—

"(A) covered by a contract for flood insurance under this title under which the chargeable premium rate is less than the estimated rate under section 1307(a)(1);

"(B) located in a community that (i) has been designated by the Director under section 1368(b) as erosion-prone, and (ii) has not adopted land management and use measures as provided under section 1368(e);

"(C) located seaward of—

"(i) the 30-year erosion setback established under section 1368(c), with respect to structures consisting of 1 to 4 dwelling units; or

"(ii) the 60-year erosion setback established under section 1368(c), with respect to any other structures; and

"(D) existing on the date of the notification under section 1368(b)(1) to the erosion-prone community in which the structure is located.

"(4) If any community designated as erosion-prone adopts land management and use measures as provided under section 1368(e) after the Director has increased premium rates under paragraph (1) for structures in the community, the Director shall decrease the premium rates for such structures to the amount that the Director determines would have been in effect for such structures at the time of the decrease under this paragraph absent the intervening increase under paragraph (1).".

SEC. 411. RIVERINE EROSION STUDY.

(a) STUDY.—The Director of the Federal Emergency Management Agency shall conduct a

study to determine the feasibility of identifying and establishing erosion rates for communities subject to riverine erosion hazards and the best manner of identifying and establishing such rates. Under the study the Director shall—

(1) investigate and assess existing and state-of-the-art technical methodologies for assessing riverine erosion;

(2) examine natural riverine processes, environmental conditions, and human-induced changes to the banks of rivers and streams, examples of erosion and likely causes, and examples of erosion control and reasons for their successes; and

(3) analyze riverine erosion management strategies, the technical standards, methods, and data necessary to support such strategies, and methods of administering such strategies through the national flood insurance program.

(b) REPORT.—The Director shall submit a report to the Congress regarding the findings and conclusions of the study under this section not later than the expiration of the 2-year period beginning on the date of the enactment of this Act. The report shall include any recommendations of the Director regarding appropriate methods and approaches for identifying and determining riverine erosion rates and management strategies relating to riverine erosion.

TITLE V—FLOOD INSURANCE TASK FORCE

SEC. 501. FLOOD INSURANCE INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is hereby established an interagency task force to be known as the Flood Insurance Task Force (in this section referred to as the "Task Force").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall be composed of 7 members, who shall be the designees of—

(A) the Federal Insurance Administrator;

(B) the Federal Housing Commissioner;

(C) the Secretary of Veterans Affairs;

(D) the Administrator of the Farmers Home Administration;

(E) the Administrator of the Small Business Administration;

(F) a designee of the Financial Institutions Examination Council;

(G) the chairman of the Board of Directors of the Federal Home Loan Mortgage Corporation; and

(H) the chairman of the Board of Directors of the Federal National Mortgage Association.

(2) QUALIFICATIONS.—Members of the Task Force shall be designated for membership on the Task Force by reason of demonstrated knowledge and competence regarding the national flood insurance program.

(c) DUTIES.—The Task Force shall carry out the following duties:

(1) Make recommendations to the head of each Federal agency and corporation under subsection (b)(1) regarding establishment or adoption of standardized enforcement procedures among such agencies and corporations responsible for enforcing compliance with the requirements under the national flood insurance program to ensure fullest possible compliance with such requirements.

(2) Conduct a study of the extent to which Federal agencies and the secondary mortgage market can provide assistance in ensuring compliance with the requirements under the national flood insurance program and submit to the Congress a report describing the study and any conclusions.

(3) Conduct a study of the extent to which existing programs of Federal agencies and corporations for compliance with the requirements under the national flood insurance program can serve as a model for other Federal agencies responsible for enforcing compliance, and submit to the Congress a report describing the study and any conclusions.

(4) Develop guidelines regarding enforcement and compliance procedures, based on the studies and findings of the Task Force and publishing the guidelines in a usable format.

(d) NONCOMPENSATION.—Members of the Task Force shall receive no additional pay by reason of their service on the Task Force.

(e) CHAIRPERSON.—The members of the Task Force shall elect one member as chairperson of the Task Force.

(f) MEETINGS AND ACTION.—The Task Force shall meet at the call of the chairman or a majority of the members of the Task Force and may take action by a vote of the majority of the members. The Federal Insurance Administrator shall coordinate and call the initial meeting of the Task Force.

(g) OFFICERS.—The chairperson of the Task Force may appoint any officers to carry out the duties of the Task Force under subsection (c).

(h) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Task Force, the head of any of the Federal agencies and corporations under subsection (b)(1) may detail, on a nonreimbursable basis, any of the personnel of such agency to the Task Force to assist the Task Force in carrying out its duties under this Act.

(i) POWERS.—In carrying out this section, the Task Force may hold hearings, sit and act at times and places, take testimony, receive evidence and assistance, provide information, and conduct research as the Task Force considers appropriate.

(j) TERMINATION.—The Task Force shall terminate upon the expiration of the 24-month period beginning upon the designation of the last member to be designated under subsection (b)(1).

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. MAXIMUM FLOOD INSURANCE COVERAGE AMOUNTS.

(a) IN GENERAL.—Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting "and" after the comma at the end of clause (i);

(B) by striking ", and" at the end of clause (ii) and inserting "; and"; and

(C) by striking clause (iii);

(2) by striking subparagraph (B) of paragraph (1) and inserting the following new subparagraph:

"(B) in the case of any nonresidential property, including churches—

"(i) $100,000 aggregate liability for each structure, and

"(ii) $100,000 aggregate liability for any contents related to each structure;";

(3) by striking subparagraph (C) of paragraph (1);

(4) in paragraph (2), by striking "so as to enable" and all that follows through the end of the paragraph and inserting "up to an amount, including the limits specified in clause (i) of subparagraph (A) of paragraph (1), of $250,000 multiplied by the number of dwelling units in the building;";

(5) in paragraph (3), by striking "so as to enable" and all that follows through the end of the paragraph and inserting "up to an amount of $90,000 for any single-family dwelling and $240,000 for any residential structure containing more than one dwelling unit;"; and

(6) by striking paragraph (4) and inserting the following new paragraph:

"(4) in the case of any nonresidential property, including churches, additional flood insurance in excess of the limits specified in clauses (i) and (ii) of subparagraph (B) of paragraph (1) shall be made available to every insured upon renewal and every applicant for insurance up to an amount of $2,400,000 for each structure and $2,400,000 for any contents related to each structure; and".

(b) REMOVAL OF CEILING ON COVERAGE REQUIRED.—Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (5), by striking "; and" at the end and inserting a period; and

(2) by striking paragraph (6).

(c) CONFORMING AMENDMENTS.—Section 1306(b)(5) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)(5)) is amended—

(1) by striking "(A), (B), or (C)" and inserting "(A) or (B)"; and

(2) by striking "(1)(C)".

SEC. 602. FLOOD INSURANCE PROGRAM ARRANGEMENTS WITH PRIVATE INSURANCE ENTITIES.

Section 1345(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4081(b)) is amended by striking the period at the end and inserting the following: "and without regard to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 603. FLOOD INSURANCE MAPS.

(a) 5-YEAR UPDATES.—Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following new subsections:

"(e) Once during each 5-year period (the first such period beginning on the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991) or more often as the Director determines necessary because of storms, increased erosion rates, increased watershed development, or other extraordinary situations, the Director shall assess the need to revise and update all flood-plain areas and flood-risk zones identified, delineated, or established under this section.

"(f) The Director shall revise and update any flood-plain areas and flood-risk zones—

"(1) upon the determination of the Director, according to the assessment under subsection (e), that revision and updating are necessary for the areas and zones; or

"(2) upon the request from any State or local government stating that specific flood-plain areas or flood-risk zones in the State or locality need revision or updating (if sufficient technical, engineering, or other justification is provided, in the determination of the Director, to justify the request).".

(b) USE OF NATIONAL FLOOD INSURANCE FUND.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended by adding at the end the following new paragraph:

"(8) for revising and updating flood-plain areas and flood-risk zones.".

SEC. 604. BUDGET COMPLIANCE.

The applicable cost estimate of this Act for all purposes of section 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

(1) For fiscal year 1991, decrease in outlays of $0.

(2) For fiscal year 1992, decrease in outlays of $0.

(3) For fiscal year 1993, decrease in outlays of $3,000,000.

(4) For fiscal year 1994, decrease in outlays of $7,000,000.

(5) For fiscal year 1995, decrease in outlays of $1,000,000.

SEC. 605. REGULATIONS.

The Director of the Federal Emergency Management Agency, the Secretary of Housing and Urban Development, and any appropriate head of any Federal agency may each issue any regulations necessary to carry out the applicable provisions of this Act and the applicable amendments made by this Act.

AMENDMENTS OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offer several amendments

which I believe are noncontroversial, and I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was not objection.

The CHAIRMAN pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. JONES of North Carolina: 1. In title IV, by adding the following new section at the end:

"SEC. 412. COORDINATION WITH COASTAL ZONE MANAGEMENT PROGRAMS.

'(a) IN GENERAL.—In the implementation of the amendments made pursuant to sections 407 and 408, the Director shall consult with the Under Secretary of Commerce for Oceans and Atmosphere to promote full coordination of the coastal erosion management provisions of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) as amended by this Act and the provisions of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.). Furthermore, the Director shall, to the greatest extent possible, utilize state management programs approved under section 306 of the Coastal Zone Management Act of 1972 to facilitate development and implementation of management plans for coastal erosion-prone areas.

'(b) COORDINATION REPORT.—The Director and the Under Secretary of Commerce for Oceans and Atmosphere shall jointly prepare a report which details the proposed mechanisms for achieving the coordination required in subsection (a). This report shall be transmitted to the Congress not later than the expiration of the 12-month period beginning on the date of the enactment of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991.

'(c) EROSION MANAGEMENT PROGRAM REGULATIONS.—In issuing any regulations under section 1368(a) of the National Flood Insurance Act of 1968, as amended by this Act, the Director shall consider the recommendations of the Coordination Report required under subsection (b)'."

2. In section 501—

"(1) by striking the word "and" at the end of subsection (b)(1)(G);

'(2) by striking the period in subsection (b)(1)(H) and inserting a semicolon;

'(3) by inserting the following at the end of subsection (b)(1):

'(I) the Under Secretary of Commerce for Oceans and Atmosphere;

'(J) the Director of the United States Fish and Wildlife Service; and

'(K) the Administrator of the Environmental Protection Agency."; and

'(4) by adding the following new subsection (j) and redesignating subsequent subsections accordingly:

'(j) SUBCOMMITTEE ON NATURAL AND BENEFICIAL FUNCTIONS OF THE FLOODPLAIN.—The members of the Task Force appointed under subsections (b)(1) (I), (J), and (K) shall constitute a select subcommittee which, in addition to their duties under subsection (c), shall make recommendations regarding the implementation of the provisions of the National Flood Insurance, Mitigation, and Erosion Management Act of 1991 which deal with protection of the natural and beneficial functions of the floodplain'."

Mr. JONES of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Chairman, today's bill makes important and innovative changes to the National Flood Insurance Program. Some of these changes touch on matters over which the Committee on Merchant Marine and Fisheries has jurisdiction.

My amendment simply provides some formal mechanisms for coordinating the National Flood Insurance Program with existing programs which deal with coastal zone management, fish and wildlife conservation, and water quality protection.

The first part of my amendment establishes a requirement that the director consult with the Administrator of the National Oceanic and Atmospheric Administration [NOAA] in implementing the coastal erosion management provisions of this new law.

NOAA is the Federal agency which administers the Coastal Zone Management Act, and should be able to assist the director in effectively designing and implementing a coastal erosion management program.

Also, the 29 States which have federally approved coastal zone management programs can provide the director with a ready made implementation tool and my amendment encourages him to use this tool.

My second amendment creates a select subcommittee to recommend effective measures of implementing the provisions of this bill which deal with protection of the natural and beneficial functions of the floodplain.

This subcommittee is made up of appointees from NOAA, the U.S. Fish and Wildlife Service, and the Environmental Protection Agency.

Mr. Chairman, my amendment is supported by the environmental community. I am aware of no opposition. I ask my colleagues to support it.

Mr. ERDREICH. Mr. Chairman, I rise in support of the amendments.

We have looked at these amendments. They are very constructive additions to our bill, and we accept these amendments and urge their passage.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. ERDREICH. I am happy to yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding.

The minority has examined this legislation and the proposed amendments. We agree with them and commend Chairman JONES for offering them.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from North Carolina [Mr. JONES].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. GRADISON

Mr. GRADISON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRADISON: Page 78, strike lines 9 through 22 (and redesignate subsequent sections and conform the table of contents accordingly).

Mr. GRADISON. Mr. Chairman, my amendment would strike section 604 from this bill. That section makes CBO's cost estimates binding for the purpose of determining compliance with the Budget Enforcement Act. Section 604 directly contradicts the act, which makes OMB the official scorekeeper for all purposes.

My amendment simply ensures that this bill complies with last fall's budget agreement. As the President has said, "if specifically negotiated and agreed provisions are to be undone * * * how can we reasonably expect the agreement to be taken seriously?" Aside from being unwise, the policy behind directed scorekeeping has been inconsistently applied. Already the Democratic leadership in the House has established a pattern of ignoring its own rule in cases where OMB provides the lower cost estimate. In fact, out of seven bills enacted this year involving pay-as-you-go spending, only one came to the floor with the directed scoring language required by the Democrats' rule. And, as you know, the Senate has no comparable rule and so far this year has not insisted on CBO scoring over OMB scoring.

OMB's preliminary cost estimate of this bill is identical to CBO's. The only major substantative difference of opinion between the administration and Congress is the inclusion of section 604 in the bill. My amendment removes this obstacle and allows quick enactment of the bill. The amendment's defeat will only delay the bill in conference and provoke a certain veto if the offending section is not removed today by the House or later in conference with the Senate.

Mr. Chairman, we have fought this battle before, with H.R. 1175, the dire emergency supplemental authorizations bill. Unless we abide by the budget agreement, we are likely to continue revisiting this issue time after time and accomplished nothing but delay in enacting desirable legislation such as H.R. 1236.

Mr. Chairman, I urge adoption of this amendment.

□ 1720

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am opposed to the amendment. It is in defense of the budget agreement, that greatly loved accomplishment of last year which no doubt accounts for the passion that my friend, the gentleman from Ohio, brought to this debate.

The budget agreement ought not to be confused with the Constitution or the Bible. It certainly does not suspend the right of this Congress to act as it sees fit. The argument is not on the merits, because the question is who is going to be a more objective scorer, the Office of Management and Budget or the Congressional Budget Office.

Mr. GRADISON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I am happy to yield to the gentleman from Ohio.

Mr. GRADISON. Mr. Chairman, I appreciate the gentleman yielding, and I note from his skill that the way in which he states the question often suggests a particular response.

Mr. FRANK of Massachusetts. That is true, but I had not suggested it so promptly.

Mr. GRADISON. If the gentleman will yield further, I know, but the gentleman is on the way.

Mr. FRANK of Massachusetts. Go right ahead.

Mr. GRADISON. In this instance, the issue, as I see it, is not whether the House or the Congress has authority to try to change law. Of course, they have authority to try to change the Budget Enforcement Act. I acknowledge that. The question is whether it makes much sense unilaterally on one issue to try to reopen this in a way which we know with certainty is simply going to delay enactment of a bill we want to get passed.

Mr. FRANK of Massachusetts. I thank the gentleman. Apparently that occurred to him between his opening statement and now, but we have constantly been told that if the budget agreement says one thing we are not supposed to deal with it.

I do think it is important, and I thank the gentleman for joining me in making very clear what we know. The budget agreement was enacted in the last Congress, and it is subject at any time to change by the regular legislative process which this is.

The question is twofold. Should we treat it as holy writ? Well, when the President sent in his budget this year and proposed substantially less for Medicare than the budget agreement had called for, he proposed changing the terms of the agreement. That was the President's right, as it was the right of this House and the Senate to reject the President's proposal to cut Medicare. I did not accuse the President of violating some agreement. He wanted to cut Medicare. We did not. We had a vote. That was it.

So the question is, which is better. Now, the gentleman suggested that somehow the majority only brings out these CBO provisions when there is some point to be gained. But in this bill CBO and OMB say the same thing, so the gentleman refutes himself when he says that, because it is certainly not true of this bill. The question is who is more objective, and as we try and figure out whether CBO or OMB is more objective, I ask the Members, Mr. Chairman, if the name David Stockman means anything to them.

Mr. Stockman wrote a very interesting book in which he talked about how he played around with the estimates. Read Mr. Stockman's book. It is hardly an announcement of absolute, pristine approach to the numbers.

Mr. GRADISON. If the gentleman will yield further, is the gentleman to whom the gentleman is referring the current head of the Office of Management and Budget or a gentleman who served there some years ago?

Mr. FRANK of Massachusetts. He is, as the gentleman, I think, knows, the appointee of Ronald Reagan to the Office of Management and Budget. He set a pattern which I think is often followed.

No, David Stockman is not the current head of the Office of Management and Budget. He was Ronald Reagan's appointee who served for several years and who wrote such great pieces of legislation such as Gramm-Latta, which members of the minority so enthusiastically supported, so while he has departed, the legacy of the votes of the gentleman and ladies on the other side gave us live on.

Mr. GRADISON. If the gentleman will yield further, I am troubled by the assumption which is implicit in what he says, at least the way I hear him, that there is a bias one way or the other within the Office of Management and Budget on issues of this kind. There was a study done of the entire history of projections of the deficit by OMB and by CBO over the entire period that they both have made such estimates which began at the beginning of 1975, and it did vary from year to year, but over the period of years, they were essentially the same numbers.

Mr. FRANK of Massachusetts. I thank the gentleman for pointing out that there is no real point to his amendment. The gentleman has just said that over a period of years, on the deficit, OMB and CBO came out the same.

I have yielded several times to the gentleman, and I think I am going to get a couple of minutes in before I yield to him again.

The gentleman has told us that the President will veto this bill if this amendment is not accepted. Why? Because CBO and OMB come out the same, so apparently what we have is a degree of turf consciousness in the White House which seems to me unbecoming.

In fact, I think the gentleman's analogy is a little bit inappropriate, because we are not talking here about overall deficit projections. We are talking about scoring the effects of policy, and I apologize if the gentleman thought I was being implicit. I meant to be explicit.

OMB, being part of the administration in power, will sometimes be influenced by the policy views of that administration in its scoring. CBO may also be sometimes influenced, more likely by Congress, but I think that in the current situation and in the accounts I have seen, CBO does a better job, and that is the question before us.

I would point out, from the standpoint of this House, the President can decide when he vetoes a bill or not what he wants to do.

The head of CBO is subject to joint appointment. The head of OMB is appointed only by the President, as he should be.

The CHAIRMAN pro tempore (Mr. ESPY). The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, then, the question is: Do we do better with the bipartisanly appointed head of CBO, or do we do better with the Presidentially appointed head of OMB?

I do acknowledge that this is not the stuff over which empires fall. It, therefore, seems to me particularly unfortunate that the gentleman has waived the veto threat. The veto threat, I think, ought to be saved in constitutional terms for weightier issues, not one where, as the gentleman himself points out, that it does not make very much difference.

Mr. GRADISON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I am happy to yield to the gentleman from Ohio.

Mr. GRADISON. Mr. Chairman, I thank the gentleman for yielding.

I merely wish to point out to our colleagues that the gentleman has undercut his own point that there is some implicit bias in the Office of Management and Budget by acknowledging that, with regard to the specific issue before us, the estimates are identical from the Office of Management and Budget and the Congressional Budget Office.

There is one other point, I think, that is interesting to keep in mind, and that is that the other body, the Senate, controlled by the gentleman's own party, insisted on knocking out this directed CBO scorekeeping with regard to the one bill which reached them, and with regard to the budget which they recently approved, and which we are going to conference on within a matter of days, they used OMB data, OMB numbers, entirely in their estimates, whereas we used CBO. So I think the gentleman's quarrel is not just with Mr. Stockman of blessed memory but

also with the Democrats of the U.S. Senate.

Mr. FRANK Of Massachusetts. I would say to the gentleman, yes, I will plead guilty to not being willing automatically to do whatever the U.S. Senate thinks we ought to do. If the gentleman wants to accept that as his lodestar, he is entitled to do so. I prefer a situation where the House votes the House's judgment. If when we go to conference in the course of give and take, we have to give and take, let us do it. I do not like a situation which, instead of give and take, they give, and we take the orders, and that is apparently the gentleman's argument for it.

As far as my acknowledging there is implicit bias, I want to be very clear, I do not mean to say anything, because there is nothing implicit about it. The President appoints somebody. He or she is going to take the President's views into account. And, yes, they do come out the same in this case. CBO and OMB will often be the same.

I think it is important in terms of institutional integrity for this House, not the Senate, not the President, to maintain control over scoring of its own legislation.

Mr. WYLIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Gradison amendment to delete 604 from the pending legislation.

Mr. Chairman, 604, as has been pointed out here very adequately by my friend, the gentleman from Ohio, undermines the budget agreement of last year, an agreement that was subject to extensive discussions and negotiations between both sides of the House.

□ 1730

The statement of administration policy which has also been mentioned states that senior advisers will recommend a veto of the bill if it is sent to the President with section 604 in it.

I think it would be unfortunate to have the legislation vetoed simply because of section 604, but there is a matter of principle involved here, even though the scoring is the same. I would say that the legislation, and I want to commend the gentleman from Alabama [Mr. ERDREICH] and the gentleman from Nebraska [Mr. BEREUTER] for the wonderful work that they have done on this piece of legislation which makes very substantial improvements to the existing insurance program.

The bill in its present form will produce savings to the government. According to both the Congressional Budget Office and the Office of Management and Budget, it will produce $11 billion in savings over a 5-year authorization period of this program. Because of this recommended veto threat, and because the legislation is so needed, I think that this section ought to be deleted, and it ought to be sent to the President so he can sign it with a veto in favor of the Gradison amendment.

Mr. MICHEL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio. We all recall that on a straight party-line vote back in January, the Democratic majority forced upon this House a rule change. We fought that change at the time. The intent, of course, of the new rule was to override the Office of Management and Budget as the final scorekeeper for sequester purposes.

While the point was made that Congress can change its mind from time to time, and Members can change their mind, nevertheless, this is in direct contradiction to the budget summit agreement enacted by the Congress last fall. An agreement that was, for all practical purposes, to give Members a budget guidepost for 5 years. It is one thing to say that we really did not mean what we said at that time, when there was such a traumatic argument, over many months, over what we were going to do and what we were not going to do in terms of the Federal budget.

We say today we have in that budget agreement spending caps for a good 3 years. We even made the distinction between how hard it was to maintain them for 3 and between the increment of 3 and 5 years. However, all Members were under the same understanding when we adopted that agreement.

The agreement failed the first time. Of course, we were floored that it did not pass. We said that we would probably lose along the way. We frankly did, by means of a $20 billion increase in revenue and $20 billion more in spending because we did not adopt the first agreement. But we adopted the second one. In the second one, of course, we had this agreement on scorekeeping.

Although in this case, as has been mentioned, OMB and CBO agree on the figures, I support the striking of the CBO cost estimate based on the principle that the intent of the language is to change last year's budget deal.

I find it interesting in describing the budget resolution passed by the House 2 weeks ago my colleagues on that side of the aisle, the Democrat side of the aisle, described it as complying with the budget summit agreement.

My question to Members then is: Do we have an agreement that we intend to live up to, or do we not? And will the agreement only be enforced when it is in the interest of the majority party, as distinguished from mutually agreed upon by both sides?

I think an agreement is an agreement is an agreement.

The President has stated, as the gentleman from Ohio who just preceded me said, that any bill presented to him which includes the offending CBO cost estimate will be vetoed. I can assure my Democratic friends that we will continue our efforts to fight such CBO cost estimate language every time it appears in a bill, because we feel strongly about it.

As I indicated, an agreement is an agreement is an agreement. There has got to be some measure of good faith.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, what was the gentleman's approach after negotiating Medicare figures? The President came in with a proposal that was billions and billions of dollars less than the Medicare figure agreed upon in the budget summit.

Mr. MICHEL. Mr. Chairman, I understand we were talking about an agreement between parties here in the Congress, and yes, I understand.

Mr. FRANK of Massachusetts. Is the President not party to this agreement?

Mr. MICHEL. He was a participant in the proceedings.

I am talking about the agreement between the two parties of the legislature. He is a member of the executive branch.

Mr. GRADISON. Mr. Chairman, will the gentleman yield?.

Mr. MICHEL. I am happy to yield to my friend from Ohio.

Mr. GRADISON. It was never understood that those spending caps were floors as well as ceilings; never understood that the President, if he wished to do so, could not come in with recommendations for additional savings of the taxpayers' money; never understood that we would have to spend every dime that was set aside in that agreement.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I will yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I agree it was understood having reached an agreement that people could propose different things. Was it also understood that Congress would waive its right to legislate changes in the future?

Mr. GRADISON. Mr. Chairman, if the gentleman will continue to yield, I don't think that was the case. I think we are a pretty much even path on that one.

Mr. MICHEL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. ESPY). The question is on the amendment offered by the gentleman from Ohio [Mr. GRADISON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GRADISON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

[Roll No. 74]

AYES—160

Allard	Hall (TX)	Porter
Archer	Hamilton	Pursell
Armey	Hammerschmidt	Quillen
Baker	Hancock	Ramstad
Ballenger	Hansen	Ravenel
Barrett	Hastert	Regula
Barton	Hefley	Ridge
Bateman	Henry	Riggs
Bentley	Herger	Rinaldo
Bereuter	Hobson	Ritter
Bilirakis	Holloway	Roberts
Bliley	Horton	Rogers
Boehlert	Houghton	Rohrabacher
Boehner	Hunter	Ros-Lehtinen
Broomfield	Hyde	Roth
Bunning	Inhofe	Roukema
Burton	Ireland	Santorum
Callahan	James	Saxton
Camp	Johnson (CT)	Schaefer
Campbell (CA)	Kasich	Schiff
Chandler	Klug	Schulze
Clinger	Kolbe	Sensenbrenner
Coble	Kyl	Shaw
Coleman (MO)	Lagomarsino	Shays
Combest	Leach	Shuster
Coughlin	Lent	Skeen
Cox (CA)	Lewis (CA)	Slaughter (VA)
Crane	Lewis (FL)	Smith (NJ)
Cunningham	Lightfoot	Smith (OR)
Dannemeyer	Livingston	Smith (TX)
Davis	Lowery (CA)	Snowe
DeLay	Machtley	Solomon
Dickinson	Marlenee	Spence
Doolittle	Martin	Stearns
Dreier	McCandless	Stump
Duncan	McCrery	Sundquist
Edwards (OK)	McDade	Taylor (NC)
Emerson	McEwen	Thomas (CA)
Fawell	McGrath	Thomas (GA)
Fields	McMillan (NC)	Thomas (WY)
Fish	Meyers	Upton
Franks (CT)	Michel	Vander Jagt
Gallegly	Miller (OH)	Vucanovich
Gekas	Miller (WA)	Walker
Gilchrest	Molinari	Walsh
Gillmor	Morella	Weber
Gilman	Morrison	Weldon
Gingrich	Myers	Wolf
Goodling	Nichols	Wylie
Goss	Nussle	Young (AK)
Gradison	Oxley	Young (FL)
Grandy	Packard	Zeliff
Green	Paxon	
Gunderson	Petri	

NOES—248

Abercrombie	Collins (MI)	Foglietta
Alexander	Condit	Ford (MI)
Anderson	Conyers	Ford (TN)
Andrews (ME)	Cooper	Frank (MA)
Andrews (NJ)	Costello	Frost
Andrews (TX)	Cox (IL)	Gaydos
Annunzio	Coyne	Gejdenson
Anthony	Cramer	Gephardt
Applegate	Darden	Geren
Aspin	de la Garza	Gibbons
Atkins	DeFazio	Glickman
AuCoin	DeLauro	Gonzalez
Bacchus	Dellums	Gordon
Barnard	Derrick	Guarini
Bellenson	Dicks	Hall (OH)
Bennett	Dingell	Harris
Berman	Dixon	Hatcher
Bilbray	Donnelly	Hayes (IL)
Bonior	Dooley	Hayes (LA)
Borski	Dorgan (ND)	Hefner
Boucher	Downey	Hertel
Boxer	Durbin	Hoagland
Brewster	Dwyer	Hochbrueckner
Browder	Early	Horn
Brown	Eckart	Hoyer
Bruce	Edwards (CA)	Huckaby
Bryant	Edwards (TX)	Hughes
Bustamante	Engel	Hutto
Byron	English	Jacobs
Campbell (CO)	Erdreich	Jefferson
Cardin	Espy	Jenkins
Carper	Evans	Johnson (SD)
Chapman	Fascell	Johnston
Clement	Fazio	Jones (GA)
Coleman (TX)	Feighan	Jones (NC)
Collins (IL)	Flake	Jontz
Kanjorski	Natcher	Schumer
Kaptur	Neal (MA)	Serrano
Kennedy	Neal (NC)	Sharp
Kennelly	Nowak	Sikorski
Kildee	Oakar	Sisisky
Kleczka	Oberstar	Skaggs
Kolter	Obey	Slattery
Kopetski	Olin	Slaughter (NY)
Kostmayer	Ortiz	Smith (IA)
LaFalce	Orton	Solarz
Lancaster	Owens (NY)	Spratt
Lantos	Owens (UT)	Staggers
LaRocco	Pallone	Stallings
Laughlin	Panetta	Stark
Lehman (CA)	Parker	Stenholm
Levin (MI)	Patterson	Studds
Levine (CA)	Payne (NJ)	Swett
Lewis (GA)	Payne (VA)	Swift
Lipinski	Pease	Synar
Lloyd	Pelosi	Tallon
Long	Penny	Tanner
Lowey (NY)	Perkins	Tauzin
Luken	Peterson (FL)	Taylor (MS)
Manton	Peterson (MN)	Thornton
Markey	Pickett	Torres
Martinez	Pickle	Torricelli
Matsui	Poshard	Towns
Mavroules	Price	Traficant
Mazzoli	Rahall	Traxler
McCloskey	Rangel	Unsoeld
McCurdy	Ray	Valentine
McDermott	Reed	Vento
McHugh	Richardson	Visclosky
McMillen (MD)	Roe	Volkmer
McNulty	Roemer	Waters
Mfume	Rose	Waxman
Mineta	Rostenkowski	Weiss
Mink	Rowland	Wheat
Moakley	Roybal	Whitten
Mollohan	Russo	Williams
Montgomery	Sabo	Wilson
Moody	Sanders	Wise
Moran	Sangmeister	Wolpe
Mrazek	Sarpalius	Wyden
Murphy	Sawyer	Yates
Murtha	Scheuer	Yatron
Nagle	Schroeder	

NOT VOTING—23

Ackerman	Gray	Savage
Bevill	Hopkins	Skelton
Brooks	Hubbard	Smith (FL)
Carr	Lehman (FL)	Stokes
Clay	McCollum	Udall
Dornan (CA)	Miller (CA)	Washington
Dymally	Moorhead	Zimmer
Gallo	Rhodes	

□ 1787

The Clerk announced the following pairs:

On this vote:

Mr. Gallo for, with Mr. Lehman of Florida against.

Mr. Dornan of California for, with Mr. Dymally against.

Messrs. GEREN of Texas, LANCASTER, HATCHER, AUCOIN, SARPALIUS, FLAKE, and WISE changed their vote from "aye" to "no."

Mrs. BENTLEY, Mr. BOEHNER, and Mr. MARLENEE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. ESPY). Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MOAKLEY) having assumed the chair, Mr. ESPY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1236) to revise the National Flood Insurance Program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes, pursuant to House Resolution 138, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute, as amended, adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ERDREICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 388, nays 18, not voting 25, as follows:

[Roll No. 75]

YEAS—388

Abercrombie	Brewster	Cunningham
Alexander	Broomfield	Darden
Allard	Browder	Davis
Anderson	Brown	de la Garza
Andrews (NJ)	Bruce	DeFazio
Andrews (TX)	Bryant	DeLauro
Annunzio	Bunning	DeLay
Anthony	Bustamante	Dellums
Applegate	Byron	Derrick
Archer	Callahan	Dickinson
Aspin	Camp	Dicks
Atkins	Campbell (CA)	Dingell
AuCoin	Campbell (CO)	Dixon
Bacchus	Cardin	Donnelly
Baker	Carper	Dooley
Ballenger	Chandler	Doolittle
Barnard	Chapman	Dorgan (ND)
Barrett	Clement	Downey
Barton	Clinger	Dreier
Bateman	Coble	Durbin
Bellenson	Coleman (MO)	Dwyer
Bennett	Coleman (TX)	Early
Bentley	Collins (IL)	Eckart
Bereuter	Collins (MI)	Edwards (CA)
Berman	Combest	Edwards (OK)
Bilbray	Condit	Edwards (TX)
Bilirakis	Conyers	Emerson
Bliley	Cooper	Engel
Boehlert	Costello	English
Boehner	Coughlin	Erdreich
Bonior	Cox (CA)	Espy
Borski	Cox (IL)	Evans
Boucher	Coyne	Fascell
Boxer	Cramer	Fawell

Fazio	Lightfoot	Roberts
Feighan	Lipinski	Roe
Fields	Livingston	Roemer
Fish	Lloyd	Rogers
Flake	Long	Rohrabacher
Foglietta	Lowery (CA)	Ros-Lehtinen
Ford (MI)	Lowey (NY)	Rose
Ford (TN)	Luken	Rostenkowski
Frank (MA)	Machtley	Roth
Franks (CT)	Manton	Roukema
Frost	Markey	Rowland
Gallegly	Marlenee	Roybal
Gaydos	Martin	Russo
Gejdenson	Martinez	Sabo
Gekas	Matsui	Sanders
Geren	Mavroules	Sangmeister
Gibbons	Mazzoli	Santorum
Gilchrest	McCandless	Sarpalius
Gillmor	McCloskey	Sawyer
Gilman	McCrery	Saxton
Gingrich	McCurdy	Schaefer
Glickman	McDade	Scheuer
Gonzalez	McDermott	Schiff
Goodling	McEwen	Schroeder
Gordon	McGrath	Schulze
Goss	McHugh	Schumer
Gradison	McMillan (NC)	Serrano
Grandy	McMillen (MD)	Sharp
Green	McNulty	Shaw
Guarini	Meyers	Shays
Gunderson	Mfume	Shuster
Hall (OH)	Michel	Sikorski
Hall (TX)	Miller (OH)	Sisisky
Hamilton	Miller (WA)	Skaggs
Hammerschmidt	Mineta	Skeen
Harris	Mink	Slattery
Hastert	Moakley	Slaughter (NY)
Hatcher	Molinari	Slaughter (VA)
Hayes (IL)	Mollohan	Smith (IA)
Hayes (LA)	Montgomery	Smith (NJ)
Hefley	Moody	Smith (OR)
Hefner	Moran	Snowe
Henry	Morella	Solarz
Herger	Morrison	Solomon
Hertel	Mrazek	Spence
Hoagland	Murphy	Spratt
Hobson	Murtha	Staggers
Hochbrueckner	Myers	Stallings
Holloway	Nagle	Stark
Horn	Natcher	Stearns
Horton	Neal (MA)	Stenholm
Houghton	Neal (NC)	Studds
Hoyer	Nichols	Sundquist
Huckaby	Nowak	Swett
Hughes	Nussle	Swift
Hutto	Oakar	Synar
Hyde	Oberstar	Tallon
Inhofe	Obey	Tanner
Ireland	Olin	Tauzin
Jacobs	Ortiz	Taylor (MS)
James	Orton	Thomas (GA)
Jefferson	Owens (NY)	Thomas (WY)
Jenkins	Owens (UT)	Thornton
Johnson (CT)	Oxley	Torres
Johnson (SD)	Packard	Torricelli
Johnston	Pallone	Towns
Jones (GA)	Panetta	Traficant
Jones (NC)	Parker	Traxler
Jontz	Patterson	Unsoeld
Kanjorski	Paxon	Upton
Kaptur	Payne (NJ)	Valentine
Kasich	Payne (VA)	Vander Jagt
Kennedy	Pease	Vento
Kennelly	Pelosi	Visclosky
Kildee	Penny	Volkmer
Kleczka	Perkins	Walsh
Klug	Peterson (FL)	Waters
Kolbe	Peterson (MN)	Waxman
Kolter	Pickett	Weber
Kopetski	Pickle	Weiss
Kostmayer	Poshard	Weldon
Kyl	Price	Wheat
LaFalce	Pursell	Whitten
Lagomarsino	Quillen	Williams
Lancaster	Rahall	Wilson
Lantos	Ramstad	Wise
LaRocco	Rangel	Wolf
Laughlin	Ravenel	Wolpe
Leach	Ray	Wyden
Lehman (CA)	Reed	Wylie
Lent	Regula	Yates
Levin (MI)	Richardson	Yatron
Levine (CA)	Ridge	Young (AK)
Lewis (CA)	Riggs	Young (FL)
Lewis (FL)	Rinaldo	
Lewis (GA)	Ritter	

NAYS—18

Armey	Hansen	Stump
Burton	Hunter	Taylor (NC)
Crane	Petri	Thomas (CA)
Dannemeyer	Porter	Vucanovich
Duncan	Sensenbrenner	Walker
Hancock	Smith (TX)	Zeliff

NOT VOTING—25

Ackerman	Gephardt	Savage
Andrews (ME)	Gray	Skelton
Bevill	Hopkins	Smith (FL)
Brooks	Hubbard	Stokes
Carr	Lehman (FL)	Udall
Clay	McCollum	Washington
Dornan (CA)	Miller (CA)	Zimmer
Dymally	Moorhead	
Gallo	Rhodes	

□ 1815

Mr. DELAY changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ERDREICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. BACCHUS). Is there objection to the request of the gentleman from Alabama?

There was no objection.

FORMER SECRETARY OF DEFENSE HAROLD BROWN: VIEWS ON THE B–2 BOMBER

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, U.S. military technological superiority proved its value in Operation Desert Storm with dramatic effect. Our ability to maintain this edge will depend on our willingness to make the investment in revolutionary capabilities even as we reduce our overall spending levels and force structure. The cornerstone of this strategy is full utilization of stealth technology.

Lt. Gen. Charles Horner, commander of Air Forces in Operation Desert Storm, put it well in recent testimony before the House Appropriations Defense Subcommittee when he stated:

We're still coming to grips with the implications, but I can honestly say that stealth has revolutionized warfare. Without the F–117 the fighter pilot losses and the civilian casualties would have been an order of magnitude higher. As a father, taxpayer, commander and pilot I can assure you that stealth will give America the cutting edge capability it needs to ensure our security for the long term.

The ability of stealth aircraft to conduct missions without a massive air armada of fighter protection, jammer aircraft, and airborne tankers also make it very cost effective when measured against real life mission application. This is the true measure of cost that must be evaluated, not simply unit costs that have no relationship to military capability.

Many of my colleagues may not recall, but it was the Carter administration that was instrumental in giving the initial priority to pursuing the revolutionary attributes of stealth. Former Secretary of Defense in that administration, Harold Brown, recently shared with me his views on the B–2 bomber. He continues to believe that it is an important investment that is critical for both strategic modernization and for dramatic additional conventional capability.

I include his letter on this subject in the RECORD so that all Members of the House can benefit from his judgment.

THE JOHNS HOPKINS
FOREIGN POLICY INSTITUTE,
Washington DC, April 26, 1991.

Hon. NORMAN D. DICKS,
House of Representatives,
Washington, DC.

DEAR MR. DICKS: In our recent conversation you requested my comments on the B–2 program. In this response, I give my views on the purposes and utility of the B–2, along with my judgment on the development and procurement program.

I would first point out that we should recognize that we are dealing with a time frame that extends out at least to the year 2020 and, if the history of the B–52 is an example, even the year 2030. The character of possible adversaries of the United States, the nature of the possible military threats, the then objectives of U.S. national strategy and military strategy, and the detailed nature of warfare cannot be very pecisely defined for much of that period. Still, we can divide the proposes the B–2 would serve into a nuclear strategic role (with the USSR, or the large and well armed political entity which remains in whatever form after the current upheavals have worked their way, as adversary) and a conventional role involving attack on military and other strategic targets using non-nuclear munitions.

To begin with the nuclear role, the B–2 is designed to serve as the bomber component of the U.S. strategic deterrent. Its target system for that function would be the same as those of ballistic missiles, cruise missiles, and the present bomber force. The triad strategic retaliatory forces include land-based ICBMs, submarine launched ballistic missiles, and an air breathing force including bombers and cruise missile. One value of such a mix is to make United States forces not vulnerable to a single or simple opposition strategy to destroy our retaliatory capability before it can be launched or to a single or simple active defense against U.S. strategic retalitory forces. Bombers can take off on warning before the impact of a preemptive attack by an adversary. A bomber force (or a cruise missile force) cannot be defended against by the same systems as would function against ballistic missiles. The bomber force is both recallable and (in principle) reprogrammable in flight to different targets. I do not place much weight on the possible ability of the B–2 (or any other bomber) to function successfully against strategic relocatable targets such as mobile ballistic missiles; I never have. The principal problem with such targets is locating and identifying them in near real time. If that can be done, by any combination of intelligence means, systems other than fully penetrating bombers can deliver a strike on those strategic relocatable targets within fifteen minutes or so.

Thus, we need to compare the B–2 with other air breathers as they might operate against Soviet systems of the 21st Century. In that time frame, neither the B–52 nor the B–1 can be relied on to penetrate advanced Soviet defenses. Neither has low observable characteristics anywhere near those of the B–2, and we will need low observable characteristics of a highly advanced kind to have confidence in penetration. Electronic countermeasures, which are the other way to attempt successful penetration, especially against mobile defenses that are hard to target with ballistic missiles, are more difficult to incorporate into cruise missiles which leave less weight carrying capacity and would have to function autonomously. The difficulties with electronic counter measures in the B–1 are well known. The very low observable qualities of the B–2 make it easier for electronic countermeasures and other active countermeasures, if they are needed at all for the B–2, to be incorporated, since much less has to be simulated or hidden. Cruise missiles are less flexible: they cannot be recalled after launch, and would be much more difficult to reprogram during flight for evasion or retargeting. To some extent, it would be possible to trade off a longer air launch cruise missile range against a less penetratable bomber acting as a cruise missile carrier. But beyond relatively short ranges the air-launched cruise missile is much less cost-effective than having the bomber carry the warhead the rest of the way. That is, a bomber load of cruise missiles carries much less payload to the target than does that same carrying capacity employed in a penetrating mode. A similar tradeoff applies in the conventional case, to be discussed below, but very much more strongly, because the payload of conventional ordnance that must be delivered against targets is thousands of times greater than for nuclear warheads.

I believe that there should be an air breathing component, specifically a bomber component, of the triad of strategic retaliatory forces of the United States during the early 21st Century. The erosion, aging, delay—perhaps indefinitely—of modernization, and uncertain survivability against a preemptive attack that characterizes the U.S. intercontinental ballistic missile force reinforces this view. For the reasons I have given above, that bomber component ought to be B–2.

Let me now turn to the function of the B–2 in non-nuclear warfare. Corresponding favorable considerations compared with alternative deliveries apply even more strongly to the B–2 in this case.

Low attrition is a necessity for delivery of substantial conventional tonnage of high explosives (whether so called iron bombs or precision guided munitions) with restrikes. Nuclear delivery can be accomplished with twenty-five or even fifty percent attrition. But even five percent is totally unacceptable for sustained conventional bombing. During the first decade of the 21st Century, effective air defense is likely to be available to many nations all over the world. Low observable characteristics will be a necessity for nonnuclear operations against such defenses.

Why, one may ask, can't we use the F–117 Stealth Fighter for that purpose? We could, but the systems cost per pound of payload will be considerably lower for the B–2 than for the F–117. The projected force of B–2s can carry 10 or 20 times the total payload of the F–117 force. More important, the B–2 would be able to strike anywhere in the world within 24 to 48 hours from present U.S.-controlled bases without any forward deployment by using inflight refueling.

We have seen a case where the air campaign over a period of one month made possible a brilliant ground campaign with casualties at a low level previously unheard of: there has not been anything like it in modern military history. But it took six months for the U.S. forces to get ready. Will there be another case in which the situation will require the daily delivery of a thousand tons of explosives by air, and in which the ability to begin doing so within two days and from existing U.S. bases would much improve our military options? In the 1990s, perhaps not. But either in the 1990s or at some point beyond then, I regard such a situation as highly likely. The programmed B–2 force would have that capability, and no other force could do it.

The details of performance of the B–2 are still classified, but my understanding of that performance in terms of payload, range, and low observable characteristics is that the test program so far shows that they are being successfully achieved.

The cost of the program is very high but in deciding how to proceed from here we should consider only the remaining cost, because the sunk cost is indeed sunk. At $30 billion, the remaining cost is still high. It may therefore make sense to build at the minimum efficient rate, even though that slower rate may increase the unit cost. But the remaining cost of the B–2 program will be less than the cost of the equivalent delivery capability by the next generation of tactical attack aircraft, which would require forward bases, either on land or on carriers, and substantial deployment time to reach attack distance. Indeed, using constant dollar costs and equivalent program costs, the same is true of a comparison of the B–2 with a force of the existing generation of tactical fighters of equivalent delivery capability. My own inclination would be to find some of the money for the B–2, specifically the operating costs, by phasing down the B–1. That might even provide enough to pay for some of the B–2 acquisition costs as well.

Finally, I would note that there is a minimum workable force level and production rate. The former is much nearer 75 than 15, and the latter nearer 10 a year than 2 or 3.

To summarize: 1. The U.S. military force structure should include a heavy bomber component well beyond the year 2000, both for conventional and strategic nuclear purposes. Such a force has inherent capabilities no other component of the U.S. military force has, including delivery of massive ordance amounts on short notice anywhere in the world.

2. In the light of expected air defense capabilities throughout the developing world as well as in the Soviet Union or a successor state, during the latter part of this decade and even more beyond the year 2000, a highly advanced low observable capability is necessary in that heavy bomber force. Only the B–2 has those capabilities in adequate measure.

3. The B–2 development has been successful. The production rate should depend on continued favorable progress in the testing program, which has proceeded successfully so far. The programmed force size and rate of production appear reasonable in terms of what it would cost to do a similar function less well in other ways.

Sincerely,

HAROLD BROWN.

RESTRICTING EXPORT-IMPORT BANK IN FOREIGN MILITARY SALES

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KLECZKA. Mr. Speaker, today I rise to introduce legislation restricting the Export-Import Bank's role in foreign military sales. Seven of my colleagues on the Banking Committee are original cosponsors of this bill, including our distinguished chairman, HENRY GONZALEZ.

The Export-Import Bank is the only Federal credit agency established solely to promote U.S. commercial exports overseas. For more than 50 years, the Bank has helped American businesses, large and small, market their products and services worldwide.

Now, more than ever, we need the Bank's resources to assist our businesses in meeting the competitive challenges from Europe and Asia.

The administration, however, now proposes to allow U.S. arms manufacturers a generous, $1 billion allowance of the agency's loan guarantee program.

This, Mr. Speaker, is a serious mistake.

The Eximbank is unsuited for arranging weapon sales. These transactions are political and strategic by nature, and should be handled by the State Department and the Pentagon.

Inevitably, undemocratic nations will pressure the Bank for help to buy high-technology American weapons if this Pandora's box is opened. Recent Banking Committee hearings found that Eximbank played a role in Saddam Hussein's purchase of U.S. goods with military applications.

The Eximbank simply can't afford to get involved in this line of business. The Bank's 1992 equity is a negative $6.1 billion. Ultimately, the taxpayers will be left with the bill if costly defaults from foreign arms sales occur. History shows they will.

My legislation reaffirms the Bank's commercial mission while limiting the number of actors in the global arms race. I urge your support of this bill.

At this point, let me provide some background on the proposed Eximbank arms sales program. On March 7 the administration proposed creating an Eximbank pilot program to guarantee $1 billion annually for weapon sales to NATO countries, Japan, Israel, Australia, and possibly less stable developing nations as well. Similar legislation was recently introduced in the House. The Bank's dubious record of participation in foreign arms sales, however, does not merit expanded activity in this area.

When the Eximbank financed military sales in the 1960's, top secret "Country-X" loans were used to channel sophisticated weapons to

uncreditworthy nations largely in the Middle East, Latin America, and even Southeast Asia at the height of the Vietnam war. Uncovered in 1967, the ensuing scandal proved that even goods sold to our closest allies could not be kept from our enemies. Incredibly, the Bank extended credit for arms sales to developing countries without a repayment guarantee. Not surprisingly, many of these cash-strapped nations defaulted, leading to a general prohibition in 1974 against further arms sales by the Bank to the Third World.

More recently, a 1988 sale of military helicopters to Colombia for anti-narcotics purposes was linked by Amnesty International to the possible murder of several political dissidents. Today, the Eximbank is poised to approve the sale of 200 helicopters to Turkey, a nation with a poor human rights record.

The proposed pilot program on arms sales is silent on the very serious problems which inevitably will arise from end use, and human rights violations, ignoring prior difficulties with controlling bank arms sales. My bill corrects this oversight while ensuring that Eximbank's resources are used, as originally intended, to finance U.S. nondefense exports.

To accomplish this, the bill narrows the circumstances in which the law's exceptions against arms sales—for anti-narcotics activities and national interest purposes—may be exercised.

First, the legislation bans a foreign country from participating in Eximbank defense sales for anti-narcotics activities if, in the past, it had used any American weapons or defense services to break an end use agreement, or violate human rights. Weapons purchased under this program must be used only for anti-narcotics actions, and must be bought before September 30, 1992. In addition, the President must consult with concerned nongovernmental organizations [NGO's] in making these important determinations.

Second, the existing law's national interest exception is tightened in the bill to only those cases where a sale is essential to protect the United States from a direct security threat. In all other cases, bank financed arms sales are strictly forbidden.

Reinforcing Eximbank's commercial mission makes common sense. There are few if any anticipated financial benefits to the pilot program. Indeed, a November 1990 interagency report on this matter concluded that 75 percent of all nations are unlikely to use guaranteed loans for U.S. defense goods. The remaining 25 percent "might represent a potential market, but it is not clear that subsidizing financing would be or would not be a major factor affecting U.S. market share."

Even if countries did demand Eximbank credit to purchase U.S. weapons, the pitfalls of such transactions are daunting. Weapons sales made by the Defense Department's Foreign Military Sales [FMS] program absorb, on average, 12 percent defaults each year. The Bank's experts predict at least 6.5 percent of its arms sales will enter default.

Moreover, despite claims that the pilot program would not diminish Bank support for non-defense exports, it is clear that expanded arms sales would divert at least 10 percent ($63 million) of the Eximbank's fiscal 1992 program pool of $517 million from commercial exports. Granted, the Bank has not always used its entire annual guarantee authority. However, the Export-Import Bank should not now, when commercial goods are a bright spot in our bleak economy, be used to assume the risks of financing military exports, with the associated risks of default and political backlash. Indeed, with U.S. commercial exporters desperate for export credit support, the administration should conserve its limited resources to promote exports that contribute to the development of markets abroad for quality U.S. goods and services.

I urge my colleagues to support this bill.

At this point, I will include the text of the bill and related material in the RECORD.

The material follows:

H.R. 2175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY OF THE EXPORT-IMPORT BANK OF THE UNITED STATES TO FINANCE THE SALE OF DEFENSE ARTICLES OR SERVICES TO FOREIGN COUNTRIES.

Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended—

(1) by striking all that precedes subparagraph (E) and inserting the following:

"(6)(A) The Bank shall not guarantee, insure, extend credit, or participate in an extension of credit in connection with any credit sale of defense articles and services to any country.

"(B) Subparagraph (A) shall not apply to a sale of defense articles and services to a country if the President determines that—

"(i) the sale is necessary to protect against a direct threat to the security of the United States; or

"(ii) the defense articles or services are being sold on or before September 30, 1992, and will be used, pursuant to the terms of the sale, only for anti-narcotics purposes after the sale.

"(C) Notwithstanding subparagraph (B)(ii), the exception provided under subparagraph (B)(ii) shall apply with respect to a sale of defense articles and services to a country that has previously obtained any defense articles and services from any United States person, only if the President, after consultation with nongovernmental organizations concerned with such matters, determines that the country—

"(i) has complied with all restrictions imposed by the United States on the end use of all such previously obtained defense articles and services; and

"(ii) has not used any such previously obtained defense articles and services to engage in a consistent pattern of gross violations of internationally recognized human rights.

"(D)(i) The Board shall not give approval to guarantee, insure, extend credit, or participate in an extension of credit in connection with any sale of defense articles and services to any country unless any determination by the President under subparagraph (B) or (C) with respect to such sale has been reported to the Speaker and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and to the Committee on Banking, Housing, and Urban Affairs of the Senate, not less than 25 days of continuous session of the Congress before the date of such approval.

"(ii) For purposes of clause (i), continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 25-day period referred to in clause (i).''; and

(2) in subparagraph (G), by striking "(B), (C), (D), and (F)" and inserting "this paragraph".

(b) REPEAL.—Section 32 of the Arms Export Control Act (22 U.S.C. 2772) is hereby repealed.

SEC. 2. GAO STUDY OF THE PARTICIPATION OF THE EXPORT—IMPORT BANK OF THE UNITED STATES IN SALES OF DEFENSE ARTICLES AND SERVICES TO FOREIGN COUNTRIES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the participation of the Export-Import Bank of the United States in financing sales of defense articles and services (as defined in section 2(b)(6)(F) of the Export-Import Bank Act of 1945) to foreign countries.

(b) REPORT TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that—

(1) summarizes the participation referred to in subsection (a), including—

(A) participation that was approved by the Board of Directors of the Bank and the reasons therefor; and

(B) participation that was disapproved by the Board of Directors of the Bank and the reasons therefor;

(2) assesses whether (and, if so, the extent to which) the countries purchasing defense articles and services the financing of the sales of which was participated in by the Bank—

(A) failed to comply with the restrictions imposed by the United States on the end use of such defense articles and services; or

(B) used any such defense articles and services to engage in a consistent pattern of gross violations of internationally recognized human rights; and

(3) assesses the theoretical and practical, political and economic, pros and cons of such participation.

[From the New York Times, Mar. 18, 1991]

WHITE HOUSE SEEKS TO REVIVE CREDITS FOR ARMS EXPORTS

(By Clyde H. Farnsworth)

WASHINGTON, March 17.—The Bush Administration is asking Congress to authorize a Government agency to underwrite sales of

military goods for the first time since the 1970's.

After a long and divisive internal debate, the White House has come down on the side of American military contractors, whose business has been lagging because of American plans to reduce the size of the armed forces.

The proposal comes at a time when Secretary of State James A. Baker 3d and other members of the Administration have been trying to limit the rearmament of the Middle East in the wake of the Persian Gulf war.

Administration officials insist the two efforts are not at counterpurposes.

COULD INCLUDE THIRD WORLD

The legislation would establish a pilot program to support the commercial sale of military products to members of the North Atlantic Treaty Organization and to Japan, Israel and Australia. Should the President determine it is in the national interest, such financing would also be available for "any other country," which would include the third world.

Backers say the proposal, which the Administration sent to Capitol Hill last week, would merely level the playing field with America's main industrial competitors, most of which have export credit agencies that finance military sales.

A State Department official, who insisted on anonymity, said the proposal is "a strictly commercial operation and is to be used only to counter subsidized credit packages from competing countries, like France."

"VERY WRONG-HEADED"

But opponents of the proposal say that by diverting resources that should be concentrated on nonmilitary exports, the program will hurt American competitiveness and encourage poorer countries to spend more money on arms. America's competitiveness will suffer, according to this argument, because there is less of a ripple effect through the economy from arms sales than from, say, advances in consumer electronics.

Representative David R. Obey, Democrat of Wisconsin and chairman of the House Appropriations Subcommittee on Foreign Operations, Export Financing and Related Matters, called the proposal "very wrongheaded." Arms sales are "by their very nature noncommercial and political."

In 1989, the last year for which satistics are available, the United States sold about $10.8 billion worth of major conventional weapons systems abroad. The bulk of these sales went to American allies in NATO.

The Administration's request that the Export-Import Bank, a Government agency, underwrite the arms sales promises to be hotly debated in Congress. A Pentagon-administered military credit guarantee program was suspended in the late 1970's after too many customers went into arrears, with their loans either forgiven or rescheduled.

With the President's backing, the proposal is expected to pass the Senate. But it will run into stiffer opposition in the House, and at this stage, its fate there cannot be determined.

Even within the Administration, the proposal produced a debate before the White House decided to proceed. The State Department and the Pentagon supported the change. The principal objections came from executives of the Export-Import Bank.

The bank was founded 56 years ago to stimulate trade by providing financing to overseas buyers of American goods at below-market rates. Since 1974, it has had a declared policy of financing only nonmilitary exports.

WOULD RESCIND BAN

The Administration has proposed to rescind Section 32 of the Arms Export Control Act of 1968, which was enacted after widespread use of the agency as an instrument of "backdoor financing" of military sales to Southeast Asian nations during the Vietnam buildup. Section 32 bans the use of Export-Import Bank financing of military sales to developing countries. The White House has proposed that the Export-Import Bank guarantee up to $1 billion of commercial bank loans to the overseas customers of American military contractors.

Such a sweeping expansion in the scope of Government credit activities for military exports has been vigorously promoted by large military contractors like the United Technologies Corporation, the Raytheon Company and the Martin Marietta Corporation, and the White House has now decided to go along.

And John D. Macomber, president of the export agency and a friend of President Bush, said: "The central point is that we're going through very difficult times in this country for defense industries. The basic motivation behind this is that the Government recognizes there are some real economic adjustment problems for these companies to go through, and this would be a way for the Government to be of some help." He was referring to the budget cutbacks of the last two years.

Representative Jim Moody, another Wisconsin Democrat, is seeking legislators' signatures on a letter to Secretary Baker, warning that the initiative is "likely to cost the taxpayer dearly" and is a "rather transparent attempt to circumvent the budgetary limitations" of the Pentagon's Foreign Military Sales program.

OPPOSITION FROM INDUSTRY

This program is the main military assistance effort under which the Pentagon in the next fiscal year plans to spend nearly $5 billion in grants and low-interest loans to American allies. Although 50 countries are on the list of recipients, half goes to two, Israel and Egypt.

The Administration has also been seeking to limit strategic arms in talks with the Soviet Union, and it has proposed restrictions on the sale of chemical, biological and nuclear weapons technology to the third world. The Administration proposal has divided the export community. Most companies whose earnings are primarily from military sales overwhelmingly back the proposal. Others, like the Boeing Company and the General Electric Company, which have some military business but far larger nonmilitary operations, have reservations.

They worry about the crowding out of scarce credit resources, the possibility that separate divisions within companies may have to compete for Export-Import Bank money and an undercutting of political support for the bank if it becomes too strongly identified with military programs.

"Boeing recognizes financing support is required for the export of defense products," said John F. Hayden, the company's corporate vice president. "But we question the appropriateness of involving Ex-Im bank as the mechansism."

He noted that since "defense products exports are not simply commercial transactions, but involve foreign policy and national security, Boeing feels the Department of State may be the appropriate agency to administer a defense-products export-financing program."

Willard M. Berry, vice president for Congressional affairs at the National Foreign Trade Council, said that before Congress takes up the proposal, "it is in the interest of all concerned to insure that all alternatives are explored and the pros and cons of each are fully debated."

William F. Paul, senior vice president of United Technologies, said that because the United States could not provide competitive credit terms, his company lost a big Brazilian military helicopter contract to France's Aerospatiale in 1988.

"We need a mechanism for financing this kind of defense trade when it's necessary," Mr. Paul said. "Our competitors have access to this sort of facility, and we desperately need it ourselves."

[From the Financial Times, Mar. 20, 1991]

IMF CHIEF BACKS CALL TO LIMIT ARMS SALES

(By Lionel Barber and Michael Prowse)

Washington.—Mr. Michel Camdessus, the managing director of the International Monetary Fund, last night stepped into the heated debate on limiting arms sales to the Middle East.

Mr. Camdessus urged industrialised countries to agree a ban on export credits for arms sales to the region. The call came only a day after the Bush administration announced a $1bn plan to revive export credit guarantees for the US arms industry.

Mr. Camdessus urged the ban as part of a scheme for economic reconstruction in the Middle East. He said countries in the area should focus domestic resources on productive investment. This required an "imaginative international effort" to reduce the region's need for—and access to—arms.

Speaking in Toronto, he paid tribute to Mr. Brian Mulroney, Canadian prime minister, whose plan for limits on conventional arms sales to the Middle East met with a cool reception from President George Bush. Mr. Mulroney argued that the principal arms suppliers to the region are the permanent five members of the UN security council.

Mr. Bush wants to reserve the right to sell arms to US allies in the Middle East in order to maintain a balance of power after the Gulf war.

The US scheme reviving export credit guarantees primarily covers arms sales to Nato allies but could be extended, under presidential discretion, to cover weapon sales in the Middle East.

Mr. Camdessus said a ban on export credits would provide a clear signal of the international community's determination to create a strong framework for reduced tensions in the area. Arms exporting countries should "impose on themselves a common discipline that would effectively support the efforts that are expected from the countries themselves."

Mr. Camdessus's five point plan for economic reconstruction included a commitment to sound economic policies in the region, supported by effective international cooperation; and structural reforms such as price liberalization and elimination of trade barriers.

FAST TRACK: AMERICAN LEADERSHIP

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I support the President's request for fast

track with Mexico. The fast track represents a defining hour. This fast-track vote is one for open markets, future economic prosperity, and American leadership. The debate is not over fast track only. It is a debate over whether Congress will end its partnership with the executive branch and retreat from continued leadership of the global economy.

Disapproval of the fast track would be a rejection of open markets, economic growth, and American leadership. It would be rejection of our great relationship with Mexico and its energetic new leader, President Carlos Salinas de Gortari. It would be a retreat into protectionism and isolationism.

I urge my colleagues to look at the administration's response on environment, on labor, on worker rights, that has hit every office in the Congress. It is responsive. Environmentalists are on the negotiating team. There is an extensive border cleanup plan between the United States and Mexico. There will be trade adjustment assistance, if need be.

Mr. Speaker, this is a good agreement. It should be bipartisan and we should make every effort to pass it. Otherwise, we will be retreating against our good friend and neighbor, Mexico.

WHAT ABOUT U.S./MEXICO LABOR DIFFERENCES?

Some have argued that a free trade agreement will lead to massive layoffs of American workers as American firms flee to Mexico, where labor costs are lower than those here at home.

It is true that U.S. labor costs are approximately 7 times higher than those in Mexico. Yet, past experience would suggest that labor costs are not the only factor in company relocations. For instance, when Spain and Portugal joined the European Economic Community, critics suggested that many German companies would migrate to the south in search of lower labor costs, causing wages and employment to drop in Germany (where wages were around 6 times higher). Instead, German wages and employment rose following the integration.

When deciding where to locate production facilities, companies consider not only wage levels, but also education of the workforce, productivity rates, quality of life in the area, availability of supplies, etc., all of which continue to make the U.S. an attractive location for factories.

As Los Angeles Times editorial writer James Flanigan has pointed out goods "are not made where labor is cheapest, but where production is the most efficiently organized." Hence, the location of Japanese owned car plants in "Tennessee, Kentucky, Ohio, Indiana and Michigan."

Output per worker is also important-U.S. workers are 5-6 times more productive than their counterparts in Mexico. In any event, as the Mexican economy improves, the wage differential will diminish.

A free trade agreement will also mean more U.S. exports, which are critical to economic growth. Every $1 billion in exports means 25,000 new jobs. In 1990, the 8.5% growth in exports accounted for 88% of total U.S. economic growth.

Economic growth will also slow illegal immigration into the U.S., reducing competition facing Americans looking for work.

Economic growth will also give the Mexican government the resources to hire additional inspectors to ensure compliance with federal labor regulations. And the negotiations will give us a chance to insist on further improvement in labor standards, as well as environmental protection, child welfare, etc.

In a global economy, some jobs will inevitably shift overseas. However, when a firm moves its production to Asia, instead of Mexico, it is far more likely to buy its supplies from other Asian countries. If that same firm were to locate in Mexico, it would likely buy an average of 86% of its direct source materials from the United States, keeping Americans employed.

THE BOTTOM LINE

A free trade agreement will help keep U.S. goods competitive with those from Asia and Europe and will be beneficial to workers on both sides of the border.

WHAT ABOUT MEXICO'S ENVIRONMENTAL RECORD?

Mexico has taken enormous steps to improve both its environmental laws and its enforcement of these laws. As President Caros Salinas de Gotari has said, Mexico does not intend to become the environmental dumping ground for America.

Mexico's new get-tough attitude towards the environment is being borne out with concrete action. Mexico passed a highly controversial environmental protection law in 1988. This law closely parallels the tough standards set by the U.S. EPA.

But legislation won't solve environmental problems if enforcement is lacking. Here, too, Mexico has made great strides, beefing up its enforcement budget by 636% in the past year alone. For instance, Mexico recently added another 100 inspectors to monitor Mexican industry.

These enforcement efforts are being felt across the country. Over 5,000 inspection visits were conducted in the past two years, resulting in 980 temporary or permanent plant shutdowns.

In fact, Salinas announced recently that Mexico City's largest oil refinery, which contributes 3% of the total pollution in the Capital, would be closed. This will cost Mexico $500 million and will add 3,200 people to the unemployment rolls.

Mexico's commitment to the environment is also evidenced by its authorization of an Inter-American Development Bank debt-for-nature swap valued at more than $300 million. The swap will improve reforestation efforts and set a precedent for future conservation efforts.

Much more is possible on the environmental front if Mexico's economy improves. Continued growth rates will be higher tax revenues and more money for environmental monitoring and clean-up.

THE BOTTOM LINE

Without a Free Trade Agreement, Mexico's economy will stagnate, government revenues will fall, and environmental enforcement and regulations will deteriorate.

With an FTA, Mexico's economy will continue to improve, government revenues will grow, and President Salinas' personal commitment to cleaning up industy and the environment will be realized.

[From the Washington Post, Mar. 22, 1991]

(By Bill Richardson)

FREE TRADE WITH MEXICO, SI!

A powerful and energetic coalition opposes the U.S.-Mexico free trade agreement. It has been strengthened by the legislative situation in Congress, where the administration seeks fast-track procedures for both the U.S.-Mexico agreement and the stalled Uruguay Round of negotiations on the General Agreement on Tariff and Trade (GATT). Under this procedure, only one vote would be necessary to grant authority for conducting both negotiations.

This has spawned a broad alliance of opposition groups ranging from labor, textile and environmental interests to those concerned about Mexico's internal political situation. Thus, a U.S. border state congressman well disposed to free trade with Mexico could end up voting against fast track because of his unhappiness about the administration's agricultural policy in the GATT round.

If, as he has stated, the president attaches personal importance to regional and global trade and the U.S.-Mexico FTA in particular, he needs to use some of his substantial political capital to sway Congress. A bipartisan coalition is going to be indispensable to the successful negotiation and approval of a free trade agreement with Mexico. So far, supporters of the agreement, including American business, have been deafeningly silent.

In addition, a special independent high-level negotiator should be appointed with sufficient national stature to assuage congressional concerns, particularly those in the Democratic majority. Ambassador Carla Hills and her negotiating team at the U.S. Trade Representative's office are understandably focused on the Uruguay negotiations. A special negotiator, concentrating solely on the Mexican agreement, could strengthen the administration's ability to conduct effective trade talks while giving much-needed visibility to the Mexican agreement.

The administration needs to assure Congress that the United States and Mexico are seriously addressing issues raised by opponents, such as the dangers of wage disparities under a free trade agreement, working conditions in Mexico, illegal drug flow and the need for stricter environmental regulations in Mexico, particularly compliance with clean-air standards at the border. These deliberations should not be tied to the free trade agreement itself, but they need to be the subject of bilateral discussions, obviously involving a variety of agencies such as the Department of Labor and the EPA and be coordinated with the FTA negotiations.

Mexico is now announcing new environmental regulations for the maquila (twin assembly plant) industry, which will begin the process of defining and enforcing specific environmental laws. If the United States is serious about wanting a cleaner home, hemispheric and global environment, it should work for stronger environmental controls on both sides of the border.

Similarly, some in the United States claim that a free trade agreement will exacerbate the flow of drugs into this country. The fact is that Mexico under President Carlos Salinas de Gortari greatly strengthened its cooperation with the United States on the drug front.

The Bush administration needs to develop a long-range strategy for free trade throughout the hemisphere. Caribbean countries are already concerned that a U.S.-Mexico FTA will jeopardize trade benefits obtained under the Caribbean Basin Initiative. Other Latin

nations are viewing the proposed U.S.-Mexico trade connection jealously and suspiciously.

The positive consequences in concluding a free trade agreement with Mexico far exceed the negatives. There will be better access to a growing Mexican export market, a more reliable source of petroleum, increased American ownership of Mexican subsidiaries and other assets, and expanded access to parts and labor. Tangible political benefits include a potential reduction of Mexican immigration to the United States because of augmented economic activity as well as enhanced political stability in Mexico. Finally, with the evolution of trade blocs in Asia and Europe, the FTA assists the United States and the Western Hemisphere in effectively competing in an ineradicably altered commercial environment.

Should the fast-track authority be defeated in Congress, U.S.-Mexico relations in particular, and U.S. international economic policy in general, will be severely hampered. Unless the administration acts now, the war we have won on the Persian Gulf battlefields for a new world order will be eroded by a battle lost right here at home.

□ 1820

SOVIET INVASION OF ARMENIA

The SPEAKER pro tempore (Mr. BACCHUS). Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, I take to the well of the House this afternoon because it has come to my attention at noon today that yesterday the Soviet Union invaded Armenia through Azerbaijan, that there were 30 people that lost their lives, and there were dozens taken hostage.

Now, the Soviet Union complains that it is just an ethnic struggle, but they are using personnel carriers, tanks, and things that the internal police of the Soviet Union do not necessarily give to people and citizens and ethnics of that region.

We are very concerned about the plight of Armenia and what is going on, particularly in light of the fact that Armenia is one of the Republics, one of the many Republics, that has not subscribed to the maintaining of the Communist bloc nor the central Government of the Soviet Union. We hope and pray that this is not an attack on those Republics that are crying for freedom in the Soviet Union.

The biggest question I would like to ask is where is the press? The press claims in this country to be the eyes of the world. Where are the news accounts of what is going on in Armenia?

Mr. Speaker, I would request that the press go into Armenia and on the borders of Armenia and Azerbaijan, to look at what has happened there, and to document indeed that it may be an ethnic invasion of ethnic struggle, and is not an invasion by the Soviet Union Army.

Mr. ROHRABACHER. Mr. Speaker, would the gentleman yield?

Mr. DELAY. I will be glad to yield to my friend, the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, Senator DOLE sponsored a bill in the Senate and I authored the same bill in the House that requires any foreign aid by the United States to be channeled not to a Communist-controlled central government, but instead, in the case of the Soviet Union and Yugoslavia, to go to democratically elected Republics.

I think it is important, and I think my colleague will agree, that the American people fully understand that there is a struggle for freedom going on in the Soviet Union today, and that we have got to make sure that Gorbachev totally understands that we are watching every move, and when people die in Soviet Armenia or Soviet Georgia or Lithuania, that the American people are not going to stand by and watch Gorbachev and the Communists who control the Kremlin get away with these kinds of atrocities.

I would hope that those of our colleagues who have not cosigned my legislation, and I know you are a cosponsor of my legislation and Senator DOLE's legislation, will support our efforts to ensure that those people who are committing these murders in Soviet Armenia do not receive any American foreign aid.

Mr. DELAY. Mr. Speaker, I appreciate the work of the gentleman from California. He has a great sense of freedom, and fights for freedom all around the world.

Mr. Speaker, before I run out of time, I would like to yield to my good friend from California, who is an expert in this area and who has brought this to everyone's attention, and is working very hard to get the attention of not only the press, but the President as well.

Mr. DREIER of California. Mr. Speaker, I thank my friend from Houston for underscoring the fact that the media has not focused enough attention on the plight of those in Soviet Armenia who are suffering. We have over the past several years been observing the attempts by many of the 15 Soviet Republics to declare their independence. A great deal of attention was focused on the plight of those in the three Baltic States. We have observed elections taking place in many of the Republics over the past couple of years. But now to see this kind of apparent military incursion into Armenia is clearly a violation, in light of the agreement that was just signed by General Secretary Gorbachev within the past week. Mr. Speaker, it seems to me this is a very tragic step, and I think that the United States needs to determine exactly what kind of steps this administration and this Congress will take. In the next several days and weeks I hope we can come up with a resolution.

Mr. Speaker, I thank my friend for bringing to light to Members in the House this very tragic circumstance.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman from California and all the work he has done in fighting for freedom all around the world. He has worked very hard on this issue, and we are looking forward to his leadership on this issue. We just hope and pray that this indeed is not the first of many crackdowns coming from the central Government of the Soviet Union.

Mr. Speaker, we pray for those that have died in Armenia, and we pray for those that are fighting for freedom in the Soviet Union.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ANDREWS] is recognized for 5 minutes.

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to commend the efforts of the subcommittee of this House chaired by the gentleman from Connecticut [Mr. GEJDENSON], our able colleague, who is tackling the very difficult challenge of campaign finance reform. Yesterday that subcommittee gave Members of this body an opportunity to present their views and opinions on this very important subject.

Mr. Speaker, the work that the subcommittee of the gentleman from Connecticut [Mr. GEJDENSON] is doing is taking place in a very difficult context. Most Americans are not joining political parties. Fewer Americans are working on political campaigns. Very few Americans are even voting.

Mr. Speaker, wherever I go there is a general sense of alienation about our political process. There is a generalized sense that those of us who serve in public office are not always serving in the public interest. That is a tragedy, because the people that we encounter among us every day, not only here, but in other public institutions, are overwhelmingly committed to serving their particular version of the public good.

As we have all learned, Mr. Speaker, sometimes the perception is much more important than the reality. The perception that is corroding our political system is that there is a link between private wealth and public law, that there is an inseparable connection between those who pay for campaigns and those who make public policy.

Mr. Speaker, when people talk about campaign finance reform, they are really talking about four separate problems. The first problem is the problem of people selling their votes, Mr. Speaker, or not acting in the public interest. I believe that is an exceedingly rare instance at any level in American Government.

The second problem, which is the perception that people are commonly sell-

ing their votes and commonly peddling their interests, is exceedingly broad, and exceedingly corrosive, and a great problem in our society.

The third problem is the inordinate amount of time and effort that Members of this body must spend and candidates for this body must spend in raising funds, instead of pursuing the legislative goals we were sent here by the people to pursue.

The fourth problem is the sheer cost of campaigns. Millions and hundreds of millions of dollars are being spent on the electoral process.

Mr. Speaker, I believe we have a system of publicly financed campaigns. I believe that the largesse that is given out by this Federal Government in the Tax Code, in Federal subsidies, in Federal contracts, is being recycled back through the system, and defining the agenda of Government in this country.

Mr. Speaker, I think it is time we had a more straightforward system of public financing of campaigns. Yesterday in my remarks before the subcommittee of the gentleman from Connecticut [Mr. GEJDENSON], I outlined a system in which we would have complete public financing of congressional campaigns, where one's ability to run for this institution should be a function of the quality of one's ideas, the depth of one's commitments, and not how much money you have in the bank or how much money you can raise from special interests.

□ 1830

Mr. Speaker, until we sever the link, the perceived link between private wealth and public law, we will not restore confidence in American Government, we will not stop the corrosion in our political process, and we will not have real and true campaign finance reform.

I commend the efforts of the subcommittee and I encourage my colleagues to participate in their further efforts.

IN REMEMBRANCE OF BISHOP THADDEUS A. SHUBSDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to the Bishop of Monterey, CA, Most Reverend Thaddeus A. Shubsda, for his remarkable and dedicated service to the 16th Congressional District. Bishop Shubsda died last Friday after an extended illness. He will be greatly missed.

Bishop Shubsda was ordained on April 26, 1950 at St. Vibiana's Cathedral in Los Angeles, CA. His first assignment was as assistant pastor San Antonio de Padua where he served for 5 years. For the following years, Bishop Shubsda served as pastor in a number of churches in the Los Angeles area, each equally graced with his dedication and spiritual guidance. During that time, he was a Spiritual Director of the Catholic Labor Institute, a group of Catholic laymen dedicated to promulgating and teaching the social doctrine of the church. His Episcopal ordination was on February 19, 1977 and on March 18 he was installed as Episcopal Vicar for Santa Barbara County.

Bishop Shubsda was named Bishop of Monterey by Pope John Paul II on June 1, 1982. Since that time, Monterey County has been blessed with his leadership and dedication both in the church and in the community. His establishment of the Catholic Charities Office has been a vehicle to reach the needs of the community. Bishop Shubsda has expanded outreach to the Hispanic population in Monterey County, particularly migrant workers, in the field of spirituality as well as material needs. He has acted as mediator in Watsonville, CA, during recent strikes and spoke out against injustices when migrant workers were found living in caves. He established the Respect Life Commission and Office whose purpose is to evangelize the message of respect for life. Bishop Shubsda has been instrumental in expressing the protection of rights for all who have the dignity of life.

Bishop Shubsda has accomplished more in the last few years than most people do in a lifetime. His contributions to the community have extended far beyond his duties as the Bishop of Monterey. He has been a pillar of strength during trying times and an inspiration in our daily lives. Mr. Speaker, I ask my colleagues to join me now in remembering the great work of Bishop Thaddeus A. Shubsda. In life, he was a strong leader. In illness, he was a courageous example. In death, he will be forever a saint for us all.

MEXICO FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, today the Bush administration delivered to Congress its response to a letter written by Chairman ROSTENKOWSKI and Chairman BENTSEN raising questions about the proposed United States-Mexico free trade agreement as that agreement might affect the environment along the border between the United States and Mexico, and as it might affect worker health and safety standards in Mexico. Both of these relate to the competitive position of companies trying to operate in the United States versus those facing or trying to operate in Mexico.

I commend the administration for making a good-faith effort to respond to the concerns raised by Mr. ROSTENKOWSKI and by Senator BENTSEN. But I must say that the response provides inadequate assurance to those like myself who have been very concerned about worker rights, health and safety standards and environmental concerns within the FTA discussion. It seems to me that once again it is crystal clear that the administration is taking a macroeconomic view of the United States-Mexico FTA. They are looking at the overall U.S. economy, the overall Mexican economy over a long period of time and have concluded that in total, looking at the whole economy over a long period of time, there will be economic gain, there will be economic growth, there will be more exports and imports and there will be jobs created.

Unfortunately, in order to get to macroeconomic nirvana one has to go through microeconomic minefields and go to districts in Ohio and Michigan and elsewhere around the country where American middle class manufacturing worker families have seen their real income decline by 9 percent in the last 10 years. It is those kind of families who are in danger of losing even more if a United States-Mexico FTA is agreed to.

In relation to the environmental and worker health and safety standards, it is important to note that the administration's response delivered today is essentially a sales brochure touting all of the things that have happened in Mexico in the last several years, and there have been good things that have happened. It also talks a lot about consultations which the administration will undertake in the environmental and health and worker health and safety areas.

But I would like to emphasize that the response today does not make a single promise, not a single promise to include any of those concerns within the free trade agreement itself. All of them talk about parallel negotiations or parallel discussions outside of the FTA. So a year from now when Congress may be asked to vote yes or no for a free trade agreement with Mexico, there will be nothing in that agreement whatsoever that specifically responds to environmental or worker health and safety concerns.

For that reason, I find the administration's response inadequate. It still in effect, it seems to me, requires Congress at this time, if it grants fast-track authority, to sign a blank check, to hand over to the administration the ability to negotiate an agreement which Congress then will not be able to amend, which Congress will have to vote on, yes or no, with all of its warts, with all of its disadvantages as well as its advantages.

For that reason, I find the administration's response disappointing, and I hope that my colleagues will look at it carefully before they decide that that response is adequate enough to make them want to support a fast-track authority.

THE 200TH ANNIVERSARY OF THE POLISH CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, May 3, 1991 marks the upcoming bicentennial of the Polish Constitution.

At the time it was approved on May 3, 1791, the Polish Constitution was the first formal document of its kind in Europe since antiquity. Like our own Constitution, which was signed in 1787, the Polish Constitution reflected the ideals of freedom embraced by our Founding Fathers.

Today, the cause of Polish democracy again is breaking new ground in Eastern Europe. In the early 1980's, the leaders of the solidarity trade union movement boldly challenged the Soviet-backed dictatorship that had ruled Poland since the end of World War II. In 1989, solidarity-led reformers successfully replaced that government with a parliamentary democracy. A rush of events followed, including the reinstitution of a market economy, the dismantling of the Warsaw Pact and the beginning of a withdrawal of tens of thousands of Soviet troops.

As a partner in democracy, we in the Congress must continue to do all we can to nurture democracy throughout Eastern Europe, but especially in Poland, whose people have set the pace for others to follow.

During the recent years of struggle for freedom in Poland, I am proud to say I joined with others in the Congress who have provided hundreds of millions in grants and in-kind contributions to help the Polish people reestablish democracy. Unfortunately, those efforts were only a starting point as the Polish people now turn to face crucial economic and social challenges in the 1990's.

I pledge to continue my support because the Polish people have demonstrated their willingness to embrace political and economic reforms. These efforts, led by President Lech Walesa, have earned the admiration of millions of Americans.

The Polish people can reflect on their own heritage as an inspiration for their ongoing efforts to implement democratic reforms. For example, Poland's Constitution of 1791 called for equality under the law and the establishment of power sharing among the legislative, judicial and executive branches of government. Although the democracy movement that developed in 18th Century Poland was quickly crushed by the troops of Catherine the Great of Russia, and the intervening years brought a series of foreign occupations and partitions, yet a modern Polish state finally emerged after World War I.

Poland's past setbacks should reinforce our determination to maintain solidarity with today's freely elected Polish government. As Americans, we share a legacy of democracy with the Polish people.

On that note, Mr. Speaker, I would like to join with the people of Poland and all Americans of Polish descent in commemorating the 200th anniversary of the Polish Constitution. At this time, I also would like to offer special greetings to Polish Americans from the 11th Congressional District of Illinois, which I am honored to represent.

I am proud to say that I plan to attend a parade on Friday in Chicago to commemorate this historic occasion. The parade, which starts at noon at Wacker Drive and Dearborn Street, will be led by Edward Moskal, the president of the Polish National Alliance. Dozens of businesses, civic groups, government organizations and local dignitaries are expected to participate in the parade. Helen Szymanowicz, the vice president of the alliance, is the official chairwoman for the parade and related activities in Chicago.

This weekend's festivities will include a Saturday rally, which I shall also attend, to commemorate the bicentennial of the Polish Constitution. The 11:30 a.m. gathering will be held at the Montay College grounds, located at 3750 W. Peterson Avenue in Chicago. The sponsors of the rally include the Chicagoland Committee for the Polish Constitution Bicentennial, the Alliance of Polish Clubs, the Copernicus Foundation, the Legion of Young Polish Women, the Polish Highlanders Alliance, the Polish Teachers Association, the Polish Welfare Association and the Polish Youth Association. Speakers at the rally will include Mr. Moskal, Hubert Romanowski, the Consul General of the Rupublic of Poland, and myself.

In closing, Mr. Speaker, I would like to congratulate the citizens of Poland, as well as Polish-Americans and others of Polish descent throughout the world, who provided support and sustenance through Poland's darkest days, until at last Poland was able to rejoin the community of free and democratic nations. May Poland continue to enjoy this cherished status for centuries to come.

REPORT ON OHIO-BASED FIRMS OPERATING IN MEXICO AS MAQUILADORAS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, this evening I would like to respond in part to the letter that was sent to Members of Congress by the Bush administration regarding our serious concerns about the proposed United States-Mexico Free-Trade Agreement. I read very carefully the President's carefully crafted letter and the backup material that came with it, and I have to say that I appreciate the President's letter, but it does not change the situation here at all because he made no promises. In fact, the words were so carefully chosen as to be the type of rhetoric that one often sees in plays that lawyers are especially good at putting together where unless you look at the words carefully, you think you have really been given something when in fact it is only really an empty set of words with no real meat behind the agreement.

The President does not in his materials that he sent to us agree to negotiate within the trade agreement on the environment. There are no workers' standards, nor occupational safety and health standards that he agrees to negotiate as a part of the agreement.

There are some references to memorandums of understanding and some parallel agreements, and of course one always can ask the question: "Who will negotiate them, who will enforce them, and how will they relate to the trade agreement themselves?"

So we appreciate the President's letter. I was hoping for more. I did not expect it, but one always holds a high hope. So my special order this evening really is a message to the workers of America to pay attention to what is happening here in Congress on this proposed fast track authority for the United States-Mexico agreement.

□ 1840

Tonight I rise to present a report entitled "Ohio-Based Firms Operating in Mexico as Maquiladoras." This report has been prepared by Dr. James Cypher, a renowned United States-Mexico trade economist at Cal State University.

I thought to myself, "Why would a scholar in California be interested in my home state of Ohio?" But Dr. Cypher chose to use Ohio, my home State, because it is the fifth largest State in the Union. It is a State of both farms where agriculture is our largest business, but also a State of industry. We have more urban areas than any other State in the Union, a State of small shopholders, and he viewed the State as being representative of how thousands of Americans have lost their jobs by the departure of U.S. firms to set up assembly plants and operations in the so-called maquiladoras that currently operate in Mexico.

Mr. Speaker, quite frankly, I am alarmed, truly alarmed, at the incredible number of jobs that have been lost in Ohio and, in turn, have appeared for considerably lower wages, on average 10 times lower, in Mexico.

In analyzing 75 maquiladora plants, and he has all of the data included here in appendices, set up by Ohio-based parent corporations or regional subsidiaries based in Ohio, Dr. Cypher states that as of 1988, 43,765 industrial and manufacturing jobs from Ohio had at that point moved to Mexico, 43,765 jobs. This represents the kind of continuing erosion and drain on a State that bleeds it of its economic vitality. It happens piece by piece, in company after company, town after town. You almost, unless you pay attention to it, do not realize that it is happening.

But this loss of nearly 44,000 jobs is just the beginning, because for every job lost, for every worker who once held a position in the Firestone tire factory in Akron or the A.O. Smith Electric factory in Tipp City or Champion Spark Plug in my own hometown of Toledo, there is another job indirectly lost. There is the construction worker, the mechanic, the clerk, the person who works at the fast-food restaurant on down to the street vendor who counted on that local Ohio plant for their livelihood.

If we use an extremely conservative estimate job multiplier of two for

every job originally lost, the total of Ohio jobs lost quickly reaches almost 90,000 jobs, but 90,000 jobs lost is only the number that Ohio-based firms willingly chose to report by 1988, the last year for which available data has been broken down by individual State.

From January of 1988 through August of last year, 1990, as reported in an official Mexican Government report, there was a 49 percent aggregate increase in maquiladoras. These are the companies, foreign companies, United States companies that go and locate down in Mexico for production, and an aggregate 29 percent increase in the number of Mexicans employed in them. An added 29 percent increase in our total job-loss estimate would raise the number of Ohio jobs lost from over 43,000 to nearly 61,000 jobs, and, again, using the conservative job multiplier of two, that totals or that nearly doubles the total of 122,000 Ohio jobs lost through August of 1990.

Now, even though 122,000 jobs is the final total that we can reasonably compute from available data that Dr. Cypher points out, this should only serve as the bottom line. Our total represents data from only those Ohio-based firms that reported employment levels in their maquiladoras, but, of course, many do not.

An even bigger consideration is that maquiladoras in and of themselves are only a part of the shift of United States firms to Mexico. United States nonmaquiladora plants in Mexico for which there is no definite data are generally bigger in scale and sometimes employ thousands of people in that country as compared to just the hundreds that are employed in the maquiladoras, and a sense of this fact can be gotten in a straightforward manner.

United States corporations had $14.5 billion invested in Mexico in 1988. This capital investment generated from $3.6 billion to $7 billion in output, while by comparison, the maquiladoras, where 122,000 Ohio jobs only accounted for about half of that investment. So the numbers of Ohio jobs lost to Mexico are even greater when one thinks about the amount of foreign investment that is occurring in Mexico that is not tabulated in these tables.

Clearly Ohio-based firms have shifted a significant number of jobs from Ohio to Mexico, and you know, what is really interesting is that when I look through this, and I look at my own hometown, every single company that has closed its doors has opened production in Mexico, Sheller-Globe, Champion Spark Plug, companies that we had long written off the list of our local Chamber of Commerce, Midland-Ross Division, and I remember when they closed and we were very, very sorry to see them go, and there was another one here that I found; well, both Sheller-Globe in Toledo and Detroit, and we know the Dana Corp. in our community employs thousands of people in Mexico City and, of course, their Toledo work force is down to a trickle.

I asked myself why is this happening. The reasons are obvious. Mexican labor is at least 10 times cheaper in real wages and even less costly when one considers that the social wage, medical benefits, a safe workplace, a clean environment, what we come to consider as very American and important, are virtually nonexistent in maquiladoras. Low wages have simply become the quick fix for too many American firms.

Dr. Cypher's report examines what has already happened in Ohio because of Ohio-based firms moving to Mexico; 122,000 jobs have been lost, and if one only looks at my district in Toledo, we can just count how those jobs have dropped out of our workplace, and the fastest growing share of our welfare rolls in Lucas County, OH, are people who have dropped out of the workplace, who have worked for many years and cannot find jobs.

Today I have chosen to analyze the impact that the Mexican maquiladoras have already had on jobs in Ohio, one State.

In considering the potential impact on jobs that a United States-Mexico trade agreement would have nationwide, 122,000 jobs would merely be a drop in the bucket. Just in the automotive industry today, 75,000 jobs have moved from this country down to Mexico.

Nothing in this free-trade agreement would stop the hemorrhage of jobs flowing to Mexico. There have been indications from our Labor Department that some industrial manufacturing sectors would experience a 40 percent decline in overall employment, and, furthermore, the analysis of the United States International Trade Commission suggests that the effect of a United States-Mexico Free-Trade Agreement will be to reduce average real incomes for 70 percent of the people in our work force, the people who technically do not have white-collar jobs.

Yet, in their proposed negotiations, the administration continues to ignore, and the President's letter merely confirms that again today, how many jobs have been lost because of the maquiladoras and hundreds and thousands more that will be lost with the United States-Mexico Free-Trade Agreement.

Some border towns in the California and Texas areas will certainly benefit as they have already in service jobs that relate to the transport across the border, but other parts of America will be severely hurt by the movement of jobs down there.

This administration did not request a penny in the forthcoming budget for Federal trade adjustment assistance, funds that are used by workers who lose their jobs because of the loss of jobs from this country to Mexico. No money, no money to date, and yet we have seen thousands and thousands of jobs move across the border. Once again, it falls to the Congress to safeguard the interests and jobs of the American people.

How could I, being a representative of the citizens of Ohio, ignore the fact that our State has already lost thousands of jobs and ignore the fact that a United States-Mexico Free-Trade Agreement without tough provisions in it to protect our workers will cost thousands more of our people their jobs? I simply cannot ignore these facts and remain in good faith to the people who elected me.

□ 1850

Each and every Member of Congress has a duty to examine what has happened and what will happen to jobs in their States because United States firms have moved their operations to Mexico.

I ask every American who is listening this evening to look at where they live, whether it is Zenith Electronics in Indiana or TECO Windshield Wipers in New York, or if citizens from Sheller Globe in Toledo, or from Champion Spark Plug, take a look at what your company has done to your jobs, and where they have been located. In doing so, it becomes self-evident that there are questions that still need to be answered in regard to a proposed United States-Mexico free-trade agreement, questions that we cannot leave to speculation, and Congress must not be pushed out of the negotiations because of some legalistic fast track trade procedure, not to question the amount of American jobs lost, now and for the future, would be an abrogation of the most basic trust that the American people hold with Members of Congress, as their elected Representatives.

Mr. DREIER of California. Will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. DREIER of California. I thank my friend for her very thoughtful statement. Mr. Speaker, I believe the gentlewoman has pointed out a very valid concern.

However, I come to a slightly different conclusion, with all due respect to my friend, than she has. I concluded that, based on the continued flow of jobs that we have seen going from Ohio and other parts of the country into Mexico, a reduction of the borders of the constraints that exist at the border between the United States and Mexico, in fact, enhance the potential for the sale of United States goods to Mexico.

I am one Member who believes very strongly that a rising tide lifts all ships. We have witnessed, as my friend from Ohio knows, over the last several years, the unification which is coming forth on December 31, 1992 of what is

known as EC 92, the European Community, is locking together.

The gentlewoman and I have been to the Eastern bloc and have witnessed the fact that there is a 100 million strong labor force and potential market over there which will be uniting with the largest economic bloc ever known to man. We also are aware of the fact that in the Far East, the Pacific Rim, we have seen this unification taking place among many of these countries.

It seems to me that we need to recognize that Mexico, rather than being an adversary, should be a partner. Yes, she is absolutely right, the fact that we have seen many jobs from the United States go to Mexico, at this point, is something that needs to be addressed. How do we address it? As we see improvements which take place in the economy of Mexico, which have come about because of the tremendous economic reforms having been led by President Carlos Salinas de Gortari, we are going to see markets there, markets which will be interested in the purchase of United States goods. We know that the people of Mexico today desperately want to have an opportunity to purchase the kinds of products which only the United States of America is able to manufacture.

Let me give the gentlewoman a little example. In Ohio, the production of automobiles is obviously something that is very important, and a priority item. There are three automobiles for every four Americans. In Mexico, there is 1 automobile for every 15 Mexicans.

The fact of the matter is, the reason for the great disparity is that constraints that exist at the border have prevented in large part the chance for United States-manufactured automobiles to get into Mexico. So it seems to me one of the important things that we need to do is to reduce that barrier which exists, thereby allowing United States-manufactured vehicles to be sold to Mexico.

Unless we see an enhancement of the Mexican economy, that chance will not take place.

Ms. KAPTUR. Mr. Speaker, I have great respect for the gentleman because I know the gentleman takes the time to travel around the world, and I know of the gentleman's commitment to many forgotten people in quarters of our globe, and I have respect for the gentleman because I know the gentleman works at his job.

I traveled in Mexico, and I know the gentleman has too. Where I disagree with the gentleman in his thinking is that the problem is if Mexican workers do not earn enough money, they cannot purchase goods. So if we look at the market there now, about 10 million of those people actually have purchasing power now, and the plants that I went to, the workers were earning a buck and a half an hour. They will not be able to purchase any country's car.

What really bothered me, and it concerns me about Eastern Europe too, is that there are big powerful corporations around the world that can take advantage of cheap labor, and the gentleman knows who they are, and I know who the corporations are. I saw these corporations in Mexico. I see these corporations moving into Eastern Europe right now.

My lingering memory of Mexico was, No. 1, there were no parking lots in front of the buildings where the people were because they cannot afford to purchase cars, and at the wages they are earning, they never will be able to. However, they cannot purchase anything based on their wages. These workers were being exploited, and they were so unable to represent themselves. They do not have trade unions like we do, and they have such a surplus of labor that they are willing to work for anything because they do not have welfare in that society.

My heart goes out to our workers who will lose their jobs, and my heart goes out to the Mexican people who cannot stand up for themselves for decent wages and decent working conditions. I do not feel there will be a market, as the gentleman says, because they are not working wages high enough.

Mr. DREIER of California. If the gentlewoman will continue to yield, it is apparent to me as we reduce these barriers, we are hand-in-hand with the economic reforms which President Salinas is leading and bringing about in Mexico, going to enhance the quality of life and the standard of living of Mexicans who desperately want that. Well, the gentlewoman is right, today, earning 70 cents or a dollar and a half an hour, they cannot afford to buy an automobile. However, as we do what we can to address the hunger problems and other problems which these desperate people in Mexico want to have a chance to improve upon, we are going to have an opportunity developing, not tomorrow, but when we reduce these barriers, for them to enjoy these kinds of things.

Ms. KAPTUR. Would the gentleman be willing to support a common wage rate for a given industry if it is only a few miles away from California? Perhaps a minimum wage, or a common wage between our two nations, to assure that workers on both sides of the border have purchasing power?

Mr. DREIER of California. I would be inclined to oppose that for a very simple and basic reason. If one looks at the level of productivity that is emanating from Mexico versus the United States, there is a tremendous disparity. A United States worker has, in fact, an average production ability worth about $40,000 a year. The Mexican worker produces an average of $6,500 a year, based on 1988 figures.

To standardize this, when we have in the United States better trained, better equipped labor force, and at this moment in Mexico, a lesser equipped, ill-equipped force, it seems to me that to have a standard wage that would be mandated by the two Governments would be a mistake.

I believe what we need to rely on is a market-driven approach. I think that the President has also, in his package which he has responded to, the very, very good letter that was submitted by our colleagues, LLOYD BENTSEN and the gentleman from Illinois [Mr. ROSTENKOWSKI], that he has addressed these issues of displaced workers and others.

I would like to know what the major concerns that my friend from Ohio has with the President's response which he has outlined for Members to deal with this.

Ms. KAPTUR. I read the response today. I spent the afternoon reading it. As I said, it is a good rhetorical response, but there are no promises, and every single concern that we have on the environment, the President says he will deal with a parallel agreement. What does the parallel agreement mean in terms of how does that relate to the free-trade agreement?

He talks about a memorandum of understanding on certain other conditions. I tell Members that the part of the report that really concerns me—and it tells me the President is truly out of touch with the American worker and the Mexican worker—if Members will reach the section dealing with trade unionism and with labor in both countries, he is so off the mark on his understanding of how Mexican labor is organized, and their rights to speak out on their own behalf versus the American worker, I fear for the President of our country, going into negotiations, if he truly does not understand what the condition of the Mexican worker is, because those trade unions are a part of the Government down there. They are company unions. They do not have free collective bargaining rights, as we do. They are afraid to speak out. There are no free trade unions in Mexico.

Mr. DREIER of California. That is dramatically changing, based on their reforms which have been led by President Salinas, and I think we need to recognize that that is taking place.

Ms. KAPTUR. It certainly has not affected the condition of the Mexican workers there at all, and it is a one-party state. It is a state where it is a company union, and workers have to belong to the PRI and the union.

□ 1900

Mr. DREIER of California. All we are trying to do with the fast-track provisions, of course, is move the negotiating process along. We are not saying we are going to put the stamp on the final

proposal when we consider it in a couple weeks.

Ms. KAPTUR. Well, in a Roll Call article last week, and I read every word of that, President Bush said the great thing about fast-track is there will be no amendment. It will be a lock step. It will come to the floor and you will approve it up or down. Some of who want to deal with Mexico as our closest and most popular neighbor feel that this is a precedent-setting agreement and that it does need special attention and a longer negotiating period. You do not need to do this under fast-track. Fast-track is being pulled out as some type of trade process that we need to use in this.

Mr. DREIER of California. It is the marketplace, EC 92, and the Pacific rim that created a climate where we have to respond and we have to move this as expeditiously as possible.

Ms. KAPTUR. It is the marketplace, except we have never negotiated a free-trade agreement with a nation that is as poor as Mexico, a free-trade agreement. Now, we have negotiated with Canada, Israel, the Tokyo round, all of those were with nations that had much higher standards of living. That is different.

Mrs. JOHNSON of Connecticut. Mr. Speaker, if the gentlewoman will yield further, but we have never negotiated a comprehensive trade agreement without fast-track authority, and every free-trade agreement that we have negotiated has been disparate in its provisions; in other words, in areas where we had more in common with that nation, then the free-trade agreement provided the expansion of markets in the near term.

Where our differences were quite great, it often simply structured the dialog, and where our differences were very great it simply said that over time, sometime perhaps we will address those; so free-trade agreement does not have to radically alter the relationship in every sector. What it does, it structures the development of the economic relationships between nations. For that reason, there is absolutely no reason why this free-trade agreement should create radical change in our trading relationships with Mexico.

In fact, one of the things the President is very clear in his reply is the degree to which he is willing to negotiate an agreement that will not allow rapid change, that will only allow modest change, that will have the snap-back provisions so if things happen that we do not predict, we can respond to them in the short term.

It not only provides some very significant specific commitments but, for instance in the area of impact on jobs, it specifically commits to retraining programs, to dislocated worker assistance, and he specifically says perhaps it will require new programs. Perhaps it will be the extension of existing programs or refinement of existing programs where he commits both to the concept and to funding.

So I do not think it is fair to say that the President's proposal is all rhetoric. It does respond to and commit to some very specific agreements.

Memorandums of understanding are substantive documents between nations. Do they accomplish a great deal? Sometimes more, sometimes less, but a memorandum of understanding between the United States and Mexico implementing a plan, a joint plan to address joint environmental concerns, will give us the power to get information about some of the things American companies are doing in Mexico that we do not approve of, and therefore enable us through United States levers to encourage compliance. Without that memorandum of understanding, without that joint environmental planning, the environmental quality of life on the border will go down, not up.

This agreement gives us the opportunity to build on some substantial progress that has been made in very recent years and to lock it in and to continue to proceed. It does not tie the hands of Congress to reverse anything in the future.

Ms. KAPTUR. Could I ask the gentlewoman a question. I know the gentlewoman's work on trade and her common concerns with mine in several nations, including Japan, and the slowness of our Government to negotiate there.

Why does the gentlewoman feel comfortable with a memorandum of understanding governing an issue like the environment, rather than having that as the central provision of the agreement itself?

Mrs. JOHNSON of Connecticut. For this reason. Trade agreements do not address those kinds of issues. There are other ways of addressing those issues. Had Mexico not changed its laws, had Mexico not adopted laws very close to ours and regulations very close to ours, had Mexico not already entered into some joint training efforts in the enforcement area with us, had they not already evidenced their good faith by having a level of political courage that we rarely see anymore in American political life, by closing a major employer in a nation that has no unemployment compensation system, then I might not believe them; but because they have changed their laws, because they are doing enforcement training efforts, because they have closed major plants, because they borrowed $800 million from the Japanese and are investing in sewage treatment plants on the border, I believe they are changing their environmental policy for their own citizens, not for us.

That means they are doing it for the right reasons, not for the wrong; so I believe that cooperative agreements that represent their interests and ours will work; but I would like to just comment, because we have worked very closely on job issues and had a lot of concerns about trading agreements that have not been as tough as they ought to have been and often the interests of our Nation were not being served, I would like to comment on the jobs issue that the gentlewoman alluded to at the beginning of her remarks, because her concerns are well founded. Her concerns have enriched this dialog in the last month.

The issues that have been raised mean that we have, in my estimation, a far better chance of getting an agreement that this Congress might support; but when I look at what has happened in my own community, I have lost thousands of jobs to low-wage areas, and any company in my district that wants low-wage areas has lots of choices throughout the world, and whether they have a Mexican choice or do not have a Mexican choice is not going to determine whether or not they move labor-intensive operations to a low-wage area.

The advantage of having Mexico available is that they can retain a greater percentage of the higher paid jobs in America.

I was fascinated to sit down—because it touches on the auto parts area—and be led through a whole series of events relative to United Technologies and their auto parts involvement that demonstrated that they have been able to bring jobs back from Malaysia to Mexico, compete with their American assembly capability in Detroit and in a Mexican operation with their major Japanese competitor, do very well and do well enough so that they were able to retain their research and development center in Japan and also support Sikorsky's research and development efforts when Sikorsky was not doing very well, and thereby enable Sikorsky, a major Connecticut employer, to win this recent helicopter competition.

So there the help of their automotive effort, the fact that they have been able to compete in a global economy using a low-wage production area for those labor-intensive efforts if necessary means they have been able to maintain a healthy presence in the American economy. If they had not been able to find a low-wage place to produce that certain component, then all jobs would have gone either abroad or they would have gone out of that business.

I see over and over again in my district how that necessity to be able to produce a certain component in a low-cost environment has retained jobs in my district. As long as we have no clear commitment to dislocated worker programs and training and those kind of support systems, I think that we really have a no-win situation.

Ms. KAPTUR. Well, if I might reclaim my time, and I appreciate the gentlewoman's point, I just wish all companies like the gentlewoman was referring to, the Sikorsky helicopter connection to firms in her district, not every company in America has an alliance with the Department of Defense.

Unfortunately, the companies in my district that left did not have the ability to keep some workers on board because they had Government contracts.

I think that the numbers in Ohio speak for themselves; 122,000 jobs were lost through August of last year.

As far as finding a low-wage place to manufacture, I say to companies, come to Detroit, come to Chicago, come to Los Angeles, come to New York. We have 60 million poor people in this country and I think the tragedy of what is going on here is that we are so desperate to hold on to the high end of manufacturing in this country, to protect those few high-wage jobs that the gentlewoman talks about, the research and development jobs, the engineering jobs, we are willing to bargain away the jobs of thousands and thousands of workers, the blue collar workers and other workers.

They do not have power and neither do the Mexican workers have power, neither do the Polish workers have power; so the large corporations of this world can go seek cheap labor in order to advantage themselves. They can still pay their country club dues. I have seen it happen. They can still buy very expensive homes in the suburbs, but the average worker who is thrown out of work is voiceless.

I appreciate the colloquy this evening. I am sure we will continue in the coming weeks, but I do view myself as a spokesman for those people in this debate who have lost their jobs or will lose their jobs in this United States-Mexico agreement, and I expect the President of the United States to pay attention to them.

□ 1910

"NORTH AMERICAN" FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER], is recognized for 60 minutes.

Mr. DREIER of California. Mr. Speaker, I have taken out this special order on the exact same topic that my good friend from Ohio, Ms. KAPTUR, was addressing. I have a slightly different view, as you might have concluded from the colloquy that we had going.

I would like to begin by saying that I believe that President Bush and specifically my fellow Californian, Ambassador Carla Hills, who is the U.S. Trade Representative, have both done a superb job in bringing forward a response to the letter that was put forth by Senator BENTSEN and Chairman ROSTENKOWSKI, raising understandable concerns about the prospects of moving ahead with the United States-Mexico Free-Trade Agreement, what has become known as a North American Free-Trade Agreement. They have been asked very good questions concerning agriculture, the environment, labor, and my friend from Ohio [Ms. KAPTUR], is very correctly, as am I, concerned about displaced workers and the plight of these people who will lose their jobs.

I, frankly, as my friend from Connecticut mentioned just a few moments ago, believe that when companies in the United States look throughout the world, they can find all kinds of places where cheap labor is available. I think that as we look at the prospect of a negotiated settlement, as we deal with EC 1992, that economic bloc which will be the largest in the history of the world, those countries that are uniting and the Pacific rim, that we would be literally sticking our heads in the sand if we did not take advantage of the fact that the United States of America has both capital and technology and Mexico has both the labor force and markets.

The fact of the matter is it is our differences which make this is a tremendous opportunity for us. Many people say, "Well, it was easier to negotiate this United States-Canada Free-Trade Agreement because of our similarities."

Well, those differences, capital and technology in the United States of America, labor and markets in Mexico, and the desire to enhance the quality of life of people throughout the world is going to create, I believe, a tremendous benefit.

We have talked about workers. Like my friend from Ohio, I am greatly concerned about the plight of workers. But we have not talked about consumers.

You know, many people recognzied that the reduction of trade barriers is going to create a tremendous opportunity for consumers throughout the world. We know that in the United States we import many products. I happen to be one who has stood here time and time again and said I do not believe that I, as a Member of Congress, have the right to say to the American consumer that "you cannot buy the best quality product at the lowest possible price without my imposing, or the U.S. Congress or the Government imposing, a penalty on you."

I believe very strongly in the concept of free trade. Yes, I want fair trade; yes, I want a level playing field. I know that as we compete with these trading blocs which are emerging in the world, we cannot do it if we stand alone. That is why I think that giving the President this authority to move ahead with fast track—people call it fast track, it is really a good-faith understanding—giving him the chance to go ahead and negotiate. He has had that power in negotiating every kind of trade agreement that we have seen in the past, and he has got to have it for this one because Dr. Herminio Blanco, the chief negotiator for the Mexican Government, has said and reiterated just today that if we do not have this fast-track authority we are not going to be able to bring about an agreement, and that is why this vote that we are looking at in the next couple of weeks is so critically important.

I am pleased to have been joined by my friend, the gentlewoman from Connecticut. I know she has some comments she would like to make.

Mr. Speaker, I yield to the gentlewoman from Connecticut at this time.

Mrs. JOHNSON of Connecticut. I thank the gentleman from California for yielding. This is a very important matter. In fact, I consider this vote the key vote that any Member will cast, certainly in this term and possibly for several terms, in favor of economic growth or opposed to economic growth.

Our economic future depends on our trading capability. Over 80 percent of our last year's growth in GNP was a direct consequence of expansion of imports.

Mr. DREIER of California. Many people have said it, that this vote that we are going to be faced with this month of May is the domestic issue vote that can be likened to the Persian Gulf resolution which we voted on earlier this year.

Mrs. JOHNSON of Connecticut. The way I see it is that economic relations among nations are governed by trade agreements. If those relations cannot expand through agreement, then we will not have growth and prosperity.

In the political arena, in a postsuperpower era, collective action, diplomatic efforts have to be endowed with the force of law in order to govern political conflicts.

So, yes, I see these two together in determining how America is going to stand up and participate in the global community in the decades ahead. Certainly in the nineties.

Are we going to be part of a collective diplomatic effort that will govern political conflict? Are we going to be part of trade agreements that through a diplomatic process will open markets? Are we going to be leaders in preserving, building the political security and economic prosperity?

I say yes, we must take that leadership.

That is why I supported the force resolution to support the President in January, and that is why I am a strong advocate of fast-track negotiating authority for the President at this time.

But I want to clear up some terrible misunderstanding. I know there are people throughout America who watch

our discussions after the legislative business of the House, and it is an important opportunity for us because we can educate people about the discussion that we are having amongst ourselves, the outcome of which will determine our economic opportunity in the future.

Fast track is neither fast nor merely tracked. Fast-track negotiations with Canada took 4 years to produce a United States-Canadian Free-Trade Agreement. This is not something that is going to happen rapidly. Granting fast-track authority to the President only allows him to enter into negotiations. The primary information that I want to share with you tonight is that the fast-track negotiating authority was constructed by Congress in 1974. We passed this law specifically to cut us into the negotiations from beginning to end. We insisted on fast-track authority so we could reassert our constitutional mandate that gives us the power to regulate commerce with foreign nations.

We cut ourselves into the process through fast-track authority and reasserted our constitutional right to raise revenues; that is, through tariff legislation.

Furthermore, we wanted to be very, very sure that trade agreements between nations did not take the form of treaties, and, therefore, be confirmed and considered only by the Senate.

So the fast-track legislation was constructed to assert House power over negotiations and involvement in those negotiations, and it really is the means by which Congress and the President cooperatively create trade policy to define our country's trade priorities and present a united front to our trading partners.

It merely creates a mechanism by which we can create a real agreement, the Congress stepping back and looking at it, and by looking at its wholeness, be able to judge the merit of the balance between conflicting interests.

Trade negotiations will deal with many specific interests. The Nation's future cannot depend on how any one of those is addressed, but how the balance between them serves or does not serve our economic future.

Mr. DREIER of California. Would my friend agree with the assertion that it is in fact the differences that exist between the United States of America and Mexico which enhance the opportunity for us to put together a very potent trading bloc in dealing with worldwide trade?

□ 1920

Mrs. JOHNSON of Connecticut. Absolutely, and there is no example in our history of a trade agreement that did not have some special provisions recognizing special interests of nations, and there will be areas in this agreement that will recognize our special interest in manufacturing concerns. There will be tight rules of origin, some of which will be very controversial for the Mexicans, because we do not want their market opened up in certain ways to other folks since they are going to have a special access to our market.

Mr. DREIER of California. In fact we are going to ensure——

Mrs. JOHNSON of Connecticut. That is right.

Mr. DREIER of California. I know in this agreement, and the gentlewoman from Connecticut [Mrs. JOHNSON] and I know from having sat with Ambassador Hills that a commitment has been made, that there will be very tough rule-of-origin measures so that items will not be able to emanate from throughout the world into Mexico so that they can get freely into the United States.

Mrs. JOHNSON of Connecticut. And we also know from sitting with President Salinas that he is very sensitive to those issues. He understands that we cannot have big surges in imports, just as he cannot have big surges in imports.

What we want to negotiate between our two nations is a future, not a present. We want to negotiate future economic growth that will benefit both societies, and I do want to, in referring back to my colleague from Ohio's comments, I do want to mention that the Mexican workers often come to the border in order to work for the companies there because they provide higher wages than many of the companies interiorly and that, as Mexico opens itself to foreign investors, the wage scale will go up. That is our best protection, and then they will have buying power.

Mr. DREIER of California. Mr. Speaker, my friend has mentioned President Salinas, and I think that a very important point for us to make is the fact that we have witnessed literally unprecedented economic reforms in Mexico, and those economic reforms, coupled with a free-trade agreement, will address a very serious problem that those of us in California and other border States face, and that is the flow of illegal immigration into the United States.

We in the Congress have spent years anguishing over immigration and the big problem of the flow along that 2,000-mile border of people from Mexico into the United States. They come for one very important and basic reason: economic opportunity, and I can point to many instances where people from Mexico come to the United States to send their proceeds back to their families in Mexico. And that will not be necessary if we are able to bring about this reduction of the constraints, and under President Salinas' leadership we have seen for the first time in years, really since 1938, when then-President Cardinas of Mexico nationalized the oil industry, we have seen moves as the world has moved toward a market oriented approach to problems. And we have seen a toughening of the environmental constraints by the Mexican Government.

We have had reported to us today that 980 industries have temporarily been shut down, and 82 have permanently been shut down. The largest refinery in Mexico City, which has been polluting the air; 5,000 employees there. It has been closed down because the Salinas government has recognized that, along with economic opportunity, we must ensure that we have a clean environment. There are many in the environmental community in the United States who argue that going to Mexico from the United States will create an opportunity to pollute.

Mr. Speaker, the fact of the matter is we have seen some problems with older existing industries in Mexico as far as complying with those 1988 laws which over EPA Director, William Reilly, has said are just as tough as the environmental constraints that we have here in the United States. But new industry in Mexico is having to meet those constraints, and President Salinas has reported to us that any new industry from the United States going into Mexico will also have to comply with those same kinds of constraints.

So, Mr. Speaker, any companies in America looking for an opportunity to pollute in Mexico, they are not going to have it.

So, these concerns are being addressed, and I believe being addressed very well under the leadership of President Salinas, and my friend from Ohio was talking about the rights of workers, and that is something that is of concern.

But we have seen in Mexico, admittedly, one-party rule since 1928. In fact, it has been almost unprecedented next to the Soviet Union, the single-party control that has existed in Mexico, but we have also seen the opposition parties, the Cardinistas and the Pond Party, the National Action Party, have a chance, and the Cardinistas came close to winning over President Salinas in the last Presidential election. And we have seen the election of, national election, of Pond Party members to governorships for the first time since 1928. So, while we have not seen a member of other than the PRI, the Institutional Revolutionary Party, elected president since 1928, I have to say that I believe that with the kinds of economic reforms that we are seeing under the leadership of President Salinas there will be a president from another party as political opportunity continues to proceed in Mexico, and we will see the rights of workers addressed because they are able to emerge as a voice.

Again it is not going to happen overnight, but I think that it is something

that President Salinas clearly will need to address.

Mrs. JOHNSON of Connecticut. Very well said.

There was another thing that President Salinas said that I think is worth putting on the record. Americans tend to forget that Mexican school children are brought up with the knowledge that America invaded Mexico and annexed half her territory, and that is a very real part of Mexican history. This northern neighbor has not been friendly. Their northern neighbor has been hostile, has been arrogant, has been neglectful, and for President Salinas, at the same time he provides new economic leadership for his nation, willing to move toward new political relationships within his nation, he has also had the courage to begin to talk in new terms to his people about his northern neighbor. That has taken courage because all of Mexican politics is based on kind of an anti-American sentiment, an attitude deeply based in what now seems like ancient history, and it is to his credit that he has begun to say, "We have more in the future together than either one of us apart."

Mr. Speaker, at the very least America ought to be able to say to a voice like that that, "We will sit down at the table with you on the very same terms that we sat down at the table with Canada, that we will sit down at the table with India through the GATT negotiation. We will not guarantee we'll support the agreement. The agreement must serve our interests. But we will sit with you as equals."

Mr. Speaker, that is what this debate is very much about, sitting with them as equals.

Mr. DREIER of California. Mr. Speaker, my friend makes an extraordinarily good point. We have what is referred to in the vernacular as an anti-gringo sentiment which has existed for years. There has been, and I have seen it in California, and we often see it in Mexico, and it is understandable, as my friend has said. That is the fact that the education in the schools has really taught them.

So, President Salinas is taking this bold step in creating this alliance, but it seems to me that, as we look at proceeding with this negotiation, we would only exacerbate the anti-gringo sentiment in Mexico if we say, "We'll deal with India, we'll deal with Pakistan, we'll deal with Bangladesh, which is now in a very serious disaster situation itself, we'll deal with the 107 members of the General Agreement on Tariffs and Trade talks, but we're not going to deal with Mexico."

Mrs. JOHNSON of Connecticut. Mr. Speaker, my colleague is very right, and the President of Mexico made that very clear. But tragically, if we fail to negotiate with Mexico in the same terms as we negotiate with others, we not only will confirm anti-Americanism in Mexico, but, just as important and just as destructive for America, we will confirm anti-wetback sentiment, a level of racial discrimination and hostile attitudes that we know exist in our society, in our own communities.

We cannot afford to do this. This is a time that we cannot afford to do that. That is a time when America needs to stand up and be able to say, "That is the past. Those sentiments are based on old attitudes, and what we have in the future in the United States and Mexico, we have the power to mold, not to set aside all differences, but to construct a future together."

Mr. Speaker, I want to make just one last point on the process issue, what fast track is, because this was certainly not understood by me.

□ 1930

I doubt that many Members are aware that our toughest trade laws, and remember, I am the cochairman of the Anti-Dumping Coalition, because I am determined that we will not weaken those laws that prevent other countries from dumping their products in America's market. I am a fair trader, not a free trader, and a strong advocate of our 301 laws and other American trade laws passed in recent years to strengthen our ability to protect our own producers.

But having said that, I did not know that our toughest trade law has come in the course of implementing trade agreements. Major legislation, such as improvements in our subsidy and dumping laws, as well as refinements in laws governing unfair trade practices, rules of origin and trade adjustment assistance, were all achieved as part of bills implementing trade agreements. So after you get the agreement, we must then, over a number of months, implement them through changes in the law. And in the course of that, we are able to pass very strong provisions that will assure that the goals that we sought and that we agreed to in those agreements are indeed what has happened for our people.

So this is not only fast track authority, not only includes Congress at every step of the way, assures that we influence the negotiations, but gives us the power to pass new, tough trade laws if they seem to be needed or if they are in order to implement an agreement.

Mr. DREIER of California. I thank my friend for her very cogent explanation of what is obviously a complex issue. I now serve on the Rules Committee, and we are the ones who are going to be considering fast track. In fact, as a member of the Ways and Means Committee, my friend knows that we have joint jurisdiction, and this is something that I got involved with in the last few months. I think we need to recognize that this President truly has the support of the American people, and I do not believe that in response to Senator BENTSEN and Chairman ROSTENKOWSKI, that the President would have addressed the positive effects, adjustment provisions, domestic worker adjustment program, in looking at the executive summary here, labor mobility, worker rights and labor standards, future United States-Mexico cooperation on labor matters, environmental protection, the environmental issues, joint environmental initiatives, I do not believe that the President would have in any way submitted a letter to us responding to these concerns if he did not plan to pursue them.

And our colleagues, who I hope very much will look at least at this executive summary and I hope at the long package which I just had a chance to glance at and I will be reading in the next couple of days, that looks like about 150 pages, that we have the opportunity to cast that aside if it does not meet these questions which we understandably raise here in the Congress.

I hope very much that we will be able to do that.

Mrs. JOHNSON of Connecticut. I thank my colleague.

Mr. BOEHNER. Will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from Ohio.

Mr. BOEHNER. I thank my good friend from California for yielding. I listened earlier to my friend from Ohio talk about the lost jobs in Ohio as a result of those jobs going to Mexico. I would remind her that there has been a huge explosion of growth in manufacturing jobs in Ohio because Ohio is the seventh largest exporter in the country.

There have been a lot of gains in employment throughout Ohio because of exports, and I sit around and I wonder and listen to legislators, Congressmen and women from the Northeast, Midwest, talk about the fears of jobs going to Mexico.

At the same time I see Congressmen, Congresswomen from California, Arizona, New Mexico, Texas, the vast majority of them in support of a trade agreement with Mexico. Those legislators, I would presume, have the most to lose because of the close proximity of their States to Mexico.

I would point out, though, that since 1985 over half of the growth in our gross national product in this country has come from the growth in exports. That is the increase in exports in each and every year since 1985.

Mr. DREIER of California. If I could reclaim my time.

President Bush, in speaking to a group of business reporters today, underscored a very important point, and that is that for every $1 billion in exports, it creates 20,000 jobs here in the United States. And as we enhance the standard of living in Mexico, there are

88 million people in Mexico. And they are going to be better able to enhance the number of workers in the United States because we will be exporting many of these products which they want in Mexico.

Mr. Speaker, I yield further to the gentleman from Ohio.

Mr. BOEHNER. Even if we look at just 1990, 86 percent of our gross national product in 1990 came from our increase in exports. So if we had not had some explosion of exports since 1985, I can imagine and picture what our economy would have looked like over these last 5 years. It would have been dismal at best. It would have made the recession that we are in now, it would pale in comparison to what our economy would look like.

When we talk about fast track, I think we have mentioned earlier, it is really a misnomer. It is really just giving the President the authority to go out and negotiate an agreement with any other country around the world, a trade agreement.

The President can bring that to Congress and Congress does in fact——

Mr. DREIER of California. The President has to bring it back to Congress.

Mr. BOEHNER. The Congress does, in fact, get an opportunity to vote on that.

Now, imagine if the President, sitting in negotiation with any other country around the world, that country knowing that the President was going to come back and 535 Members of Congress were going to get an opportunity to amend that bill. We might as well have 536 people sitting at the table. It is not practical.

Congress gave the authority to the President in 1974. Congress reauthorized that authority in 1988, and I think that that authority ought to continue.

Mr. DREIER of California. And every single trade agreement that has ever been struck has been done through the route of the fast track.

Mr. BOEHNER. No question about it. I think the President is on the right track. The President and the administration do not want to negotiate a bad agreement. And they are not going to negotiate a bad agreement. They want to negotiate an agreement that is good for America and good for our trading partners around the world.

I have got concerns. I have got concerns like many people do about what those agreements are going to look like, but unless we have fast track, those potential agreements will never get to this House to be debated. We will never know whether we can have the optimism we have today, whether those markets will be open to us.

On the other side, I know that, serving as a new member here on the Agriculture Committee, there is a lot of optimism around America, especially in the grain areas, for what open markets around the world can do for American agriculture.

Over the last 10 years, the amount of money going to agriculture in terms of subsidies has been cut by 50 percent. Over the next 5 years, agriculture is going to be cut an additional 25 percent.

What we need to do to help American farmers, not only for the next 5 years but, frankly, for the next generation, is to help open up markets around the world, to give our farmers, who are the most efficient and productive farmers in the world, markets for their product. It will not only help agriculture and help farmers in America, but it is going to help Main Street in America and all the small towns that depend on agriculture.

Mr. DREIER of California. I thank my friend for his very able contribution, and I would like to say that the people of Ohio have shown a great deal of brilliance in their selection of my colleague and in sending him here with that grasp and understanding. I know that he truly is concerned, as my other friend from Ohio, Ms. KAPTUR, about the plight of workers in Ohio, but recognizing the fact that there are going to be tremendous export opportunities there is something that is very important. And I am very pleased with that fine contribution which my friend has made. And I think that we need to recognize that the President is not going to negotiate a bad agreement, because if he does, neither my friend from Ohio nor this gentleman from California will be voting to support that agreement.

And it does not become law if those of us who do not have our concerns addressed are not successful at that. The gentleman is absolutely right.

As a Representative from Los Angeles, CA, I have many concerns which may go beyond those of my friend from Ohio and others in this House. I have talked about the big three concerns, that being agriculture, the environment and labor.

In the area of agriculture, many of my citrus growers are concerned, understandably, and I have, in fact, sat down with the Mexican negotiator, Dr. Blanco, to raise the concerns of growers in California.

□ 1940

Mr. Speaker, I represent an area that may not quite have the air quality that Mexico City has, but it is not too far behind in the Los Angeles Basin. We want to ensure that we are able to address those.

Mr. Speaker, I think in looking at those along the border, the prospect of a company in Mexico burning something that could blow across the border and affect those American families in El Paso, in San Diego, and in other spots along the border, is one that needs to be addressed.

I think as we look at this, we know that the President cannot get an agreement through without our support. I believe it is critically important that we as a Congress begin by providing him with this all-important fast-track authority.

Mr. Speaker, this is something that is going to be debated very heavily over the next several weeks. There are going to be people from Mexico coming to the United States, and a number of us in the United States are going to be in Mexico the week after next. I am going to be participating in the 11th meeting that I have attended of the United States-Mexico Interparliamentary Conference. I can assure you this will be one of the key items of discussion.

Mr. Speaker, I hope that Members will look at the very able response that Ambassador Hills and President Bush have assembled in addressing the concerns that have been raised by the chairman of the Senate Finance Committee and the chairman of the Committee on Ways and Means. I believe when Members do look at this very able response, we will end up providing the support that President Bush needs.

Mr. Speaker, I thank Members who have participated, the gentleman from Ohio, the gentlewoman from Connecticut, and the gentlewoman from Ohio. I know there are many more who feel strongly about this. We are going to be hearing about it in the weeks to come.

Mr. GREEN of New York. Mr. Speaker, some argue that a vote for fast track is a vote against the environment. Let's listen to some of the facts:

Mexico has no interest in becoming a dumping ground for North American industry. In 1988, Mexico passed a comprehensive environmental law that closely parallels the tough standards set by the United States Environmental Protection Agency. That law covers air, water, and soil pollution, contamination by hazardous materials and wastes, pesticides, and toxic substances, the conservation of ecosystems and the rational use of natural resources. Mexico has also established administrative sanctions and judicial penalties for noncompliance.

The Mexican Government has committed itself to improving enforcement. Between 1989 and early 1991, the Government of Mexico imposed some 980 temporary and 82 permanent industrial closures for noncompliance. To illustrate its seriousness, on March 18, 1991 the government permanently shut down Mexico's largest oil refinery, costing 5,000 jobs. In 1990, the Salinas administration committed more than $3.5 billion in a comprehensive plan for air pollution abatement projects in Mexico City.

President Bush has promised Congress that the United States will ensure that our right to safeguard the environment is preserved in the North American Free-Trade Agreement. We will maintain the right to exclude any products that do not meet U.S. health and safety standards as well as maintain our right to impose stringent pesticide, energy conservation, toxic

waste, and health and safety standards. Furthermore, USTR will coordinate an interagency review, drawing on the resources of agencies with environmental expertise and in consultation with interested members of the public.

The economic benefits arising from a free trade agreement can provide the United States and Mexico with a tremendous opportunity to improve environmental protection. Let's not judge a trade agreement that has yet to be negotiated. I urge my colleagues to support an extension of fast track.

GUN CONTROL

The SPEAKER pro tempore (Mr. BACCHUS). Under a previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 60 minutes.

Mr. STAGGERS. Mr. Speaker, the reason I sought to take 1 hour tonight is to address the vote which we will have next Wednesday on this floor on the Brady concept about gun control. What I would ask Members, would be to look at the Brady concept, but also to look at my alternative. I would ask Members to think for themselves, to look at the facts, and not necessarily just take me at my word, but go beyond that and examine the issues. Also look at the arguments that the other side will present, and think for yourself on this issue, and look at the facts and see which one is the better alternative, because I am convinced that mine is the best alternative.

The other side of this issue, obviously, would like us to look at this as the NRA against everything that is good in America. It is not that way. I am not a member of the NRA. I presented what I believe is a realistic alternative, which I believe will do a better job of keeping guns out of the hands of criminals.

Mr. Speaker, I will tell you up front that I oppose the Brady concept. I do not think it will keep guns out of the hands of any criminals. In fact, I am not sure that mine will do that great a job, or any bill that we pass, because criminals will continue to get guns, no matter what we do here in Congress.

The sad fact is that the majority of felons that are convicted will admit, and evidence will show, that they obtained their guns illegally. But mine does a better job of keeping some guns out of the hands of criminals than the Feighan bill.

Mr. Speaker, I know the emotions that run when we talk about gun control. I know the emotions that run when we talk about crime in our city streets, in our rural areas, or anywhere. I do not believe that we should have an emotional response to a very complex issue, and that is the crime issue.

Mr. Speaker, I believe that just asking people to wait 7 days to purchase a handgun is an emotional response to a very complex issue. It is something that obviously we would like to be able to pass simplistic resolutions on and wish them away, but that does not happen in the real world.

Waiting 7 days is not going to provide enough time for people to run the background checks. You can do in 7 minutes what you can do in 7 days.

I share the frustrations of my colleagues. Crime does continue to climb. We are frustrated. We look for solutions, as we should.

I do believe that if you look at the two alternatives, mine does achieve the goals, at least the stated goals, of the Feighan bill, in a better way.

The stated goal is simply this: to prevent criminals from getting handguns through licensed gun dealers. My alternative would require a check; the Feighan bill does not require a check.

Also if you look at what will happen with the Feighan bill, it has the potential for discrimination, at least putting it into effect. It will discrimate against some of our minorities, and even those with foreign sounding names.

If in fact you live in a neighborhood that is an Afro-American neighborhood, chances are the police are going to check your records. If you come from an affluent white suburban neighborhood, they probably are not going to find the time to check your records.

If in fact your name is somewhat foreign sounding, funny sounding to the individual police officer, they will probably check your records; if it is a nice Anglo-Saxon name, they probably will not check your records.

The problem under the Feighan bill is that it does give the total discretion to the local police officials. Once again, mine does require the check.

The Feighan bill, coming from a rural State, being part of the rural caucus, the Feighan bill will shift the burden of paying for these costs to the States, to States like West Virginia, which can ill afford to spend the resources.

They will tell you that there is no mandate, so therefore the States are not going to be required. But if we do not check, then, yes, there will be no Federal requirement, but there will be a liability requirement. We will get sued in our States, the small rural police departments. Unless we take the total force and have them just spend all of their time checking records, then we have the potential of liability, which could bankrupt many of our municipalities in rural America.

Mr. Speaker, we do not have the manpower. We do not have the resources to hire the manpower to do these record checks. That is why I think that if in fact we are going to mandate this, that we do it on the Federal level, which my alternative would do.

Mr. Speaker, my alternative takes the Feighan approach and tries to be constructive. It would have been very easy and very consistent with my voting record and very consistent with my constituents' wishes to oppose the Brady concept. But, trying to be constructive, I wanted to offer a mandate on what their stated purpose is, and to build on that.

Mr. Speaker, I think I have offered a superior bill. Mine does mandate a records check. It allows the Attorney General to cooperate with our agencies in getting needed information.

My alternative will accelerate the updating of criminal records. Right now, you have heard a lot about the records that are inadequate. Right now we have very good prison records. We have very good parole records and very good probation records.

Some of the criminal histories are not that great anywhere, especially pre-1960. Almost anywhere you go, you are going to have problems with pre-1960 records.

Maybe I am wrong, but 1960 records, you are talking about a criminal who has been out of prison probably for 10 or 20 years. Probably they are in their fifties or sixties, maybe seventies. I do not think those are ex-felons that we have to worry about. I think it is those younger offenders that are recently out of prison who are the ones that are the most dangerous. Maybe that is an assumption I should not make.

Mr. Speaker, obviously mine is not the perfect bill, but I believe it is the superior concept in this debate.

Finally, one thing which is often ignored in this debate is the second amendment. There are those in Congress that feel the second amendment does not apply to anything anymore. They will cite Supreme Court cases that say that the Federal Government can regulate, the State can regulate, and cities can regulate, that the individual has no rights.

If that is what this debate is about, then we should not be debating the Feighan amendment or the Staggers amendment; we should be debating the repeal of the second amendment.

Mr. Speaker, I do not believe that the American people want to repeal the second amendment. I know my constituents do not. So we should take the second amendment into consideration. It is still there, and it is still applicable, in my opinion. My alternative would in fact protect the second amendment rights of individuals.

□ 1950

Let there be no mistake, if in fact my colleagues do choose to vote no on my alternative, they are voting for gun control. Members cannot say, "Well, I do not like either proposal." It is going to be an either/or. If there were another proposal out there we would have a better chance of talking about it, but we do not have that opportunity. It is going to be either my alternative or the waiting period, which is gun con-

trol. I do not believe mine is gun control. The dealers will have the responsibility of calling it in to the Attorney General's office through a toll-free number, so his duties are not all that intrusive.

I am not talking about the high technology that some people have talked about, the biometrical scans. Obviously that is a goal which we should be working toward, and if we are going to eliminate those individuals who attempt to purchase handguns who are ineligible, a biometrical scan where fingerprinting is in fact flawless and will be 100 percent accurate, that is a worthy goal, and that is probably 5 or 10 years down the road and probably will cost millions of dollars, maybe even billions of dollars. But that is not what mine calls for. Mine calls for the simple approach of taking existing technology, telephones, just as using a credit card for a purchase and using that technology.

I believe mine is the superior concept.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to my colleague, the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, I thank my friend from West Virginia and congratulate him on the introduction of his proposal which would provide for an instantaneous background check for those people who want to go out and purchase a handgun.

I have looked at the Brady proposal and proposals like it around the country that require 7-day and 14-day waiting periods. I call them do-gooder legislation. It feels good and the folks back home like it. They think they like it. It feels good and it looks good, so let us go ahead and do it. Certainly politicians here in Washington are always eager enough to go out and pass legislation that looks good to the folks back home.

I have come here as a new Member for more solid reasons I think, and I have looked at the Brady proposal and I have asked myself: "What does it do?"

It would require us to push people off to wait 7 days before they can buy a handgun. That is all that it does.

We are infringing on the rights of people who would like to buy weapons, and for that infringement, by waiting 7 days, what are we going to get for it?

It is an option for the local police to do a criminal background check, and even if they exercise the option, their ability to actually do a 7-day check or a background check in 7 days is severely limited, if they would accomplish anything at all. What I think Americans want is they want to limit the ability of criminals and those with a mental history to buy weapons.

The proposal that my good friend from West Virginia has introduced, and that I am a cosponsor of, would in fact do that. It would provide an instantaneous background check that three States in our country already have today.

Just today I had three police officers come to my office who came from the Cincinnati police force, which is near to my area in Ohio. They came in supporting the Staggers proposal. Their point was that if we want to keep guns out of the hands of criminals, the Staggers proposal is the way to do it, because they realize that Brady looks good, sounds good, but in fact is not going to accomplish much at all.

Their other point was if in fact we have the Brady proposal, and they have to make all of those background checks, they are going to have to take officers off the streets and put them into the station houses to begin to attempt to do those background checks. The information available to the police agencies around our country to do a background check is severely limited. You could not do a very complete background check today in 7 days. Can Members imagine if in fact we had Brady and we had several million applications going in to police departments around our country, the crippling effect it would have and the amount of paperwork it would create.

I began to ask myself one more time: "What will it then accomplish?" I do not believe it will accomplish anything.

Mr. FIELDS: Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to my friend, the gentleman from Texas.

Mr. FIELDS. Mr. Speaker, as I was listening to the comments of the gentleman from Ohio, I was reminded that I too today was visited by some policemen, some law enforcement officials from Texas. Since their lives are on the line each and every day, since their families live with the reality that that person serving their community might not return on any given day or any given night, I asked the question, which I think is the most salient question, and that is: "With your life being on the line, where do you receive the most protection, under Staggers or under Brady?" To a person, they said they felt greater protection and greater deniability of handgun purchases to criminals under the Staggers proposal.

Their concern was that there has been such a buildup of perception and public relations around Brady that people do not realize that it is a paper tiger, and that if you are really looking for something that can work with today's existing technology, then it is under the proposal that has been offered by the gentleman from West Virginia [Mr. STAGGERS].

I appreciate the gentleman yielding.

Mr. BOEHNER. I thank the gentleman from Texas for his comments and I would wholeheartedly agree.

People in America want us to do something about crime. The situation in our streets is horrible. You do not have to go very far, not more than three blocks from this Capitol to find out about the crime problem in America. I know as I walk home at night to my apartment, I am concerned because I am only one block from the war zone.

People in America want us to do something about crime. I want to do something of substance about crime, and I believe that if we are going to accomplish something that is meaningful and has value for Americans, supporting the Staggers proposal and instantaneous background checks is the best thing we can do over the next several months to do something about crime and making our streets safer.

Mr. STAGGERS. I appreciate the gentleman's statement. I have only worked a few short months with the gentleman from Ohio on the Agriculture Committee and seen him at work. His constituents should be proud not only on this issue but on some of the other work that is not seen. I do congratulate the gentleman on his statement and appreciate his support. I think it will help as we try to go Member to Member and get them the information. As the gentleman from Texas said, there has been a lot of hype about what Brady will accomplish, and I think, as the gentleman stated, it does not do that much.

Mr. Speaker, another gentleman from Pennsylvania has indicated that he would like to speak, and I yield to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, I thank the gentleman for yielding. I applaud and thank him for his leadership on the development of an alternative to the Brady bill. I know it was not an easy decision, nor an easy task for him or any other Member to work on this legislation, because sadly I think there is a great deal of misinformation floating around out there about the Brady bill.

I would share with my good friend and colleague from West Virginia that this is an issue that I am sure he appreciates has given practically all Members reason to step back and to think about the approach that we need to take as a national legislative body with regard to the ease with which potential users of firearms acquire those firearms. It is a very serious problem. Crime throughout urban, suburban, and even rural areas is on the rise. We do not have a handle on it, and everybody is looking to try to address the need to reduce it, knowing full well that even under the best of circumstances we will never eliminate it.

So crime is out there, and we are struggling with dealing with the whole generic issue of crime, and one of the more fanciful proposals that has been offered clearly is a 7-day waiting period, the Brady bill.

I will tell the gentleman that I have wrestled with this as well as many of my colleagues from an emotional point of view. I had a good and positive meeting with Mrs. Brady, clearly a woman whose family, her husband, and herself have been scarred by a tragedy of enormous proportions.

□ 2000

I know that all Members of Congress, both sides of the aisle, whether they agree or disagree with the Brady bill, try to empathize, but will never know the burden that she carries now, and she and her husband and family and friends will carry forward. But sadly, our sympathy and empathy is not the question, and that, I guess, is where it got me back to a realization that to vote on this bill I had to take a look at whether or not the benefits, as suggested by its proponents, were actually there.

One has to be careful of that emotional tidal wave, because it will knock you over. It really will knock you over. You really have to get up from that and take an honest look at what the real facts are and what the legislation will truly bring.

Sadly and ironically, the bill, had it been enacted as I read it, would not have avoided the enormous tragedy that befell the Brady family. It just would not. So I think that is something that people should understand who are wrestling with this difficult issue of this bill.

I think it will be a long time, and I suggest probably it will never happen, when the private health records of American citizens become available for public scrutiny, so I do not think that is going to happen, should not happen, and people ought to know that that is not in this bill.

Does the gentleman agree? I guess the gentleman agrees with my reading of it. It would not have avoided that horrible tragedy.

I know there are some people who have talked about a cooling-off period, we need 7 days as a cooling-off period. I would have to share with my friend and colleague that, in my experience as a prosecutor and as a defense attorney, that is really under these circumstances a red herring. It really will not have any impact, little or no impact, on a situation that might be considered a crime of hate or passion. Rarely does that individual who is compelled by a variety of circumstances to commit an act of violence go to a gun shop, purchase that weapon, in that same heat of passion, with those circumstances weighing heavily upon that person, then go back and terminate the life of a particular individual. There may be some exceptions to that, but I do not think it really deals with the crimes of passion committed in those circumstances. In the real world, it just does not apply.

So where does it apply? I do not think that we can deny, and there is some empirical evidence in some of the States that have the instantaneous check, they have been able to catch felons on fugitive warrants and things of that sort, and you certainly could have that in your approach, so it is not that the gentleman does not cover it and the Brady bill does.

What does a 7-day waiting period do? Frankly, it does not do too much for me based on my personal experience as both a prosecutor and defense attorney. I would share with my colleagues that I probably was involved in well over 100 cases either throughout a complete trial or a plea bargain. In my own personal professional experience, I cannot think and there may have been one or two instances, but I cannot think of an occasion where someone who committed a violent crime with a firearm purchased the firearm legally. I mean, it does happen out there, but it does not happen often enough to justify a 7-day waiting period, and it certainly does not happen with the frequency and predictability that you can conclude that automatically 10 or 15 percent of the crimes that are committed that way would no longer be committed. I mean, it is just not a conclusion you can draw.

So what do we do? In order to try to limit access to the purchase window, we tell not criminals you have got to wait, you tell most of the purchasers who are law-abiding citizens you have got 7 days, and you have got to wait, and I think we are misplacing the emphasis, because in the real world, the 7-day waiting period does not work very well. Frankly, I happen to think that it is, to a certain extent, a means to deflect this body's attention to other issues that I consider to be more important when we are dealing with the whole issue of crime or the educational system.

What happens to men and women throughout this country, young and old, that leads them to commit an act of crime and to those recidivists who commit one, two, three, and many acts of crime? So you have got to talk about education. You have got to talk about economic opportunity. I think you have to talk about the drug culture that has developed and that we think we are doing so much about with the billions of dollars we send out the door but never follow it when it leaves Washington to see, and frankly I do not think it is doing the job that needs to be done.

So we ignore all of those problems. But in order to be tough on crime and to show everybody that we are going to do something, we are not going to deal with education, we are not going to deal with the economics of some of these people, we are not going to deal with the drug culture, we are not going to deal with sentencing, not deal with prisons, not deal with the criminal justice system. We are going to have law-abiding citizens wait 7 days. That just does not translate into the kind of thing and kind of constructive approach that I think we should be looking at.

Obviously I come to this debate feeling that waiting periods have very, very limited effects and are not and should not be embraced and, therefore, will oppose the Brady bill.

I appreciate the gentleman's candor as well. There will be a limited effect of either the Brady bill or the Staggers bill. We admit that, so if we, as a legislative body, are going to choose one, again, we think we have to employ the same hard, cold look at which one brings about the limited effect, that generally we would like to accomplish a broader impact and have a broader effect, but which one will accomplish the limited effect that is important to us.

I have concluded that the gentleman's initiative and his hard work and the direction he has taken does that. There are a lot of reasons. Let me just briefly mention three of them.

First of all, I think the instantaneous check is much greater protection. From my point of view, when I go in to make a purchase with a credit card, and we have got millions and millions of credit card transactions going on every day, with the technology we have now and hopefully with the impetus this approach would give us, with the technology we will have tomorrow, there is no reason as we build up a data base that down the road the industry and those who purchase firearms of all kinds, and they will have to bear some of the costs, would not be part of a system that provided for instantaneous check that included all national records, felony convictions, both Federal and State, and in my judgment should also include, if we are serious about this, misdemeanors when it is a lesser included offense that has been plea bargained, or were in a felony that involved a firearm and had been reduced to a misdemeanor by the jury for purposes of a conviction, so the gentleman is moving in the right direction, and I think the instantaneous check does a lot better.

That comes into the second point, that we mandate the improvement of records in the gentleman's approach, and the Brady bill does not introduce the mandate of the improvement of the records. I think that is a critical feature of the gentleman's bill.

And the third very important feature is actually the gentleman mandates a record check, and that is an option in the Brady bill, so while I think that there is enormous appeal and an enormous feeling of support for what the Brady bill purports to do in terms of limiting access to firearms, I think a closer scrutiny of its contents in comparsion with the gentleman's alter-

native would hopefully lead to a conclusion that the gentleman's alternative is preferable.

A 7-day waiting period just will not do the job, albeit either one will not have much of an impact, but if we are moving in that direction and the gentleman is trying to be a trend-setter and trying to push the universal recordkeeping system of the criminal justice system in this country in a direction where there could finally be at some point in time a national point of reference, this is a step in the right direction, instantaneous check, mandate the improvement of the records, and mandate that once they are out there you use them.

I commend the gentleman for his leadership and thank him for the time he has given me in this special order.

Mr. STAGGERS. I thank the gentleman for his statement.

I do have a couple of questions. The gentleman mentioned he was a prosecutor. Has the gentleman ever met anybody who believes, and, for instance, we do not grow cocaine in the United States. We bring it in from outside. Has the gentleman ever met anybody who believes that if criminals could not get guns from gun dealers that they will not have the means to import the guns along with the cocaine?

Mr. RIDGE. If the gentleman will yield further, no; it is a wish maybe that is high on somebody's wish list.

The facts bear out that by and large the criminal element in this society will always find a way, legal or otherwise, to get access to firearms of all descriptions. I mean, we are not even talking about those thousands of transactions, hundreds of thousands of illegal transactions, that go on daily between individuals all over this country. So, no, I have never met anybody who felt that there would be that response or that conclusion.

Mr. STAGGERS. And I respect the gentleman's legal knowledge. I would ask this question, especially since the gentleman borders my State, and I know that his State, in many parts of his State, it is very close to the same ruralness that I have.

What does the gentleman think will happen when the local sheriff says, "I do not have the means to check this record," and somebody goes ahead and purchases that gun that is ineligible and then commits a crime and there is a victim; does the gentleman think the attorney or some attorney, may in fact take that case and sue the municipality? In the gentleman's opinion, does he think there would be liability?

□ 2010

Mr. RIDGE. I think it could be possible to find someone to take on that cause legally. I will not predict that there will be a rash of suits.

The point is that those who are responsible for enforcing the laws, and I can cite Pennsylvania because we have a 3-day waiting period, so there is nothing magical about 7 days either. Again, it is an arbitrary time frame that has been chosen. I think California has 15 days, and perhaps it may be higher in other jurisdictions. There is nothing magical about that time period.

When we are in similar municipalities and communities where we have a gun shop or two and the local police force may be one, or one and a half or two and a half people, one or two being part time, we will have a real personnel squeeze in just following the paper trail. There is no doubt that errors will be made, there will be omissions, and we may end up finding somebody who feels he was denied his second amendment right, and choose to challenge everybody on constitutional grounds.

While I do not predict we would see a lot of those lawsuits, I would imagine we could expect some. I would rather take the debate away from that particular approach.

Waiting 7 days I have to believe, and I hope that most of our colleagues do not operate under the illusion or delusion that somehow a 7-day waiting period will result in an enormous and significant reduction in crimes committed with firearms. It will not happen. I would hope all Members understand that some kind of check will have an impact, minimal, but there will be an impact.

Therefore, the question then becomes which of the two approaches gives the best, although minimal, the best impact? I think the gentleman's approach does.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for his remarks.

I yield to the gentleman from Mississippi [Mr. ESPY] who indicated he wanted to speak on this matter. The gentleman is one hardworking Member, and I appreciate him joining.

Mr. ESPY. Mr. Speaker, I thank the gentleman from West Vriginia for yielding, and for taking the time out to allow some Members who feel strongly about this issue to come down on the floor of the House tonight and to participate.

I have been sitting here a while and have heard arguments advanced by other Members, and I would like to associate myself with those arguments. I think a lot of the points that have been made are well-taken. I think the bill which has been introduced under the gentleman's name is a good bill.

I will stand tonight and not speak very long, but also will weigh in on the issue to say that it is a good bill, and I will support it. I will be voting against the Brady bill. Now I will tell Members why.

When I was coming over here, the last words I heard the gentleman from West Virginia saying was when he characterized this as a very emotional debate, very emotional argument, one that would tend to stir deep passion and intense feelings in proponents and opponents. The gentleman is quite correct.

When we vote on the Brady bill, on the Staggers bill next week, I think the emotions will be running high. Few issues have aroused emotion on both sides such as this, and I think that there is good reason to be emotional.

I want to say today to my colleagues that I would hope that we could act more with our head and not with our hearts. As the gentleman said before me I think that the greater action will come in terms of doing something about education, doing something about economic opportunity, doing something to promote values within this country, and not unimportantly, to do more for sentencing in creating greater penalties for those who would be stirred to commit the kinds of crimes like this.

We have to be deliberate and not just react. We have to react, but it should not just be for reaction's sake. I would tell the gentleman that everybody in this country wants to end the violence which has led to 23,600 persons being murdered last year. Everyone in this country wants to end the rise in violent crimes of all kinds which have increased in this country by more than 10 percent since 1986. We all want the right to live in a community where we can sit on the porch at night without fear.

I am from a very rural area as I know the gentleman from West Virginia is, and we want the only cracks we know about to be cracks on the sidewalk in our rural cities and rural villages. That is an emotional issue.

I think like all politicians we feel compelled to act. Reaction for reaction's sake, but that is not going to do anything here. I think this Brady bill is a very anemic reaction. It will not get to do the kind of things we know have to be done.

I was reading the RECORD of Senate debate last year where they were talking about banning certain types of semiautomatic weapons. There was a Senator over there that remarked about something that Henry Cabot Lodge said to Teddy Roosevelt sometime ago in the midst of a railroad strike. He went to President Roosevelt and said, "Mr. President, isn't there something we can appear to be doing?" I put emphasis on the word "appear." We cannot afford to delude ourselves into believing that this waiting period will stop criminals from getting weapons and committing crimes. We know that most of the teenage gang members are too young to purchase weapons anyway, and they do not walk into a local retail shop and put whatever money on the counter to buy weapons.

I do not believe this will stop the crimes of passion. Therefore, I think we are deluding ourselves into believing a 7-day waiting period will really do what we want to, that we know needs to be done.

We can do something to stop that small percentage of felons who attempt to buy guns legally. I think that it is a small percentage of felons. We can do it without infringing upon some second amendment rights. When I stood here on the floor and I raised my hand and I swore to uphold the Constitution and all the amendments, whether it is the 14th or the 15th, which I do, I would like to know that I can uphold the 2d as well. I do believe that this is a legitimate infringement upon second amendment rights, the right to bear arms, and I think we can do what we want to do without infringing or impacting unnecessarily on the rights of those citizens.

All persons on both sides of this debate now believe that backgound checks can help stop some felons from legally purchasing weapons. However, there is a distinction between the Staggers bill and the Brady bill. Only the Staggers bill mandated a background check, only the Staggers bill mandates a background check. Under the Brady bill, local police departments can check if they want, and they can refrain from checking if they want. My understanding, that is the operation effectively of the Brady bill, so we could call it discretionary checks from the local police department. That discretion is something that in some sections of our country would not be too wise to allow them to do. So the Brady bill has received the most publicity, but I think the Staggers bill will have the most effect.

There is no question that it will take sometime to implement a national instantaneous system of background checks. It will, without a doubt, take some money. It will mean States that do not have computerized records must move to computerize them. However, if we make the commitment, I think that it can be done. If we value the lives that will be saved by effective mandatory background checks, I think we would move right away to do it.

I will tell the gentleman from West Virginia this debate will be difficult because so much of it will be motivated by fear. I understand the cries of citizens who are afraid of being victimized by violent crimes, crimes committed with guns, but I would like to tell the gentleman from West Virginia that I also hear the cries of those who are afraid to face the same violent crime without the immediate right to purchase a weapon for self-protection of family and property if they so desire.

I heard other Members here speak to the point of fact that the situation in Florida at the college campus, and I would think had I been in that situation, that if I wanted to go and arm myself against what I thought would be impending danger, I would not want to have to wait 7 days to be able to have the safety of a firearm in my home.

□ 2020

I think that is something that we should take very, very seriously.

I think the gentleman has been honest. He has been very candid and he himself has said that his bill is not a panacea.

The Staggers bill would not solve this problem overnight. In fact, far from it, but it will address the legitimate fears of citizens on both sides of the debate. It will force us to implement the same type of checking system for purchasing firearms that we now have for purchasing anything else, but now we do not check for felony records, we check for bad credit; so I think if we can instantaneously check financial records, if we can check black marks against someone's driving record, I think that we can instantaneously check the criminal record, with some time, with some diligence, and with some money.

In effect, what I am saying is that if we have the will, then I believe there is no doubt that we will find a way.

So I would just like to compliment the gentleman from West Virginia for presenting something to this body which I think will have a better reaction to this problem that anything else that we are considering.

I thank the gentleman from West Virginia for his time.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for his statement. I think he made very good points that needed to be made, and as the gentleman said, it should be a very lively debate next Wednesday.

Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Speaker, I certainly appreciate the gentleman from West Virginia giving me the opportunity to say a few words on this issue.

Mr. Speaker, over the past several weeks we have once again seen the gun control issue move to the forefront of public debate. This time it has boiled down to a fight between H.R. 7, the Brady bill, and H.R. 1412, the Felon Handgun Prevention Act. I am standing here today to declare my full support for H.R. 1412. As a sportsman and concerned legislator, I am alarmed at the misuse of firearms in today's society. However, I recognize this abuse of our second amendment right is perpetrated by a criminal element and not responsible gun owners.

My colleague, Mr. STAGGERS, has introduced a proposal which offers the very best approach to preventing felons from obtaining handguns through dealers. H.R. 1412 is value neutral, and would allow access only to those criminal and mental health records that are currently available to the authorities. This system would leave no room for discrimination or arbitrary denials. H.R. 1412 would address and correct the lack of effective and up-to-date felon record keeping system. It is true that H.R. 1412 would take some time to implement, but, once implemented, it would serve as an example of quality, well throught out legislation designed to protect the honest individual.

Also, H.R. 1412 allows for the immediate sale of a handgun to any legally qualified individual although it does not preempt present State firearm sales laws, nor impose additional costs on the States, or to firearms dealers.

Let me give you a personal, first hand account of how criminals obtain their firearms. As a freshman Congressman I have lived in Washington, DC for only 5 months, but already my house has been burglarized. They did not take our television or microwave oven, what they took was an old shotgun my father had given me. That individual both bypassed gun control and illustrated the dangers to law-abiding citizens of a waiting period. That, Mr. Speaker, is how criminals obtain their weapons. Now, I hate to think what may happen during that 7 days when an honest individual must go without protection, while a very well armed criminal element plots against society.

I was born and raised in Oklahoma and now have the honor to represent Oklahoma's Third Congressional District. Virtually every individual I know owns some sort of firearm, and, Mr. Speaker, I guarantee the murder rate in Oklahoma is much, much lower than it is here in our Nation's Capital. I find it tragically ironic that Washington, DC, the very symbol of democracy and freedom, will not allow its citizens to enjoy the full rights given them under the Constitution of the United States.

And what is even more tragic, is that men and women are dying because they are denied their constitutional rights to protect themselves by owning a handgun.

Mr. Speaker, it is not gun control that this Nation needs. We have proven gun control does not work. We have also proven that to a large degree the judicial system also does not work. Let us hold individuals responsible for their actions. It is lack of knowledge between right and wrong, not the second amendment, which has led to the abuse of firearms throughout this Nation. I challenge my colleagues to fight against criminals by holding them responsible for their actions.

Again, I commend my colleague, Mr. STAGGERS, on a fine proposal. Also, I thank the Speaker for allowing me the time to express the views of the people from Oklahoma's Third Congressional District.

Mr. INHOFE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Oklahoma.

Mr. INHOFE. Mr. Speaker, I think that is a very good point to bring out. Since both of us served in the Oklahoma State Legislature, it has always seemed to me, and maybe this is our Oklahoma way of thinking, why would the criminal element choose this particular law to comply with, because statistics have shown that 84 percent of the crimes committed with weapons are committed with weapons that were procured illegally.

Our concern and I think I share the gentleman's concern is how does that leave us defenseless, those of us who do comply with the law?

The other thing I wanted to ask is, this is before I believe the gentleman was in the State legislature. I was there. When we first started talking about the NCIC hookup for the highway patrol, at that time they said:

No, this will never work. We don't want this. It's not going to work because it can't be done in that time period.

Right now with a 30-second notice they are able to follow someone, get the license number, through the license number get any criminal record that the owner has and be able to know what the current status of that is, in 30 seconds.

Now, if that is true and we are able to do that in apprehending criminals on our highways, it is very naive of anyone to say that technology has not come to the point where we are going to be able to do that in a gunshot.

Would the gentleman agree with that?

Mr. BREWSTER. Yes. The gentleman from Tulsa makes a very valid point. I believe the long-term result of H.R. 1412 would be a better apprehension of criminals all over the Nation, not just on firearms, but on everything, and I think it could be very important for that; but here we are in the Capitol of this United States, the very symbol of freedom around the world and yet it has the most restrictive firearms laws that I know of in America. Its murder rate is probably the highest in this Nation, and yet in many parts of the country such as Oklahoma where it is easy for most people to secure firearms, the murder rates, the crime rates, are much lower.

So I think that would be one thing that would certainly show that firearms control in this case has not worked, and as the gentleman from Oklahoma [Mr. INHOFE] mentioned a moment ago, victims should have the right to protect themselves. That may be one of the reasons that Washington's crime rate is so high, their murder rate is so high, because they know victims are not armed here. In Oklahoma, they would find many people armed. In fact, most everybody I know in our State owns some kind of firearm.

The Brady bill restricts the law abiding. It does nothing to the criminal. What we need is criminal control in America. We need swift, sure justice for anyone who commits any kind of crime, but especially with a firearm.

I would certainly like to commend the gentleman from West Virginia [Mr. STAGGERS] for bringing an alternative that I think is very workable, one that I can certainly support and I appreciate the gentleman giving me the time to express the feelings of what I believe is the majority of the people in the Third District of Oklahoma.

Mr. STAGGERS. Mr. Speaker, I appreciate the gentleman's statement. I know the gentleman serves on my Subcommittee on Veterans' Affairs, and I know how hard he works on other issues. I appreciate the gentleman taking the time to come over here.

As I mentioned, since the gentleman is a new Member, sometimes your constituents are not as used to some of the things you do. I can tell them that the gentleman is one of the hardest working people that will make a difference in this Legislature and they should be very proud of the gentleman.

Mr. BREWSTER. Mr. Speaker, I thank the gentleman.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I wanted to ask the other gentleman from Oklahoma, because we were both there and had some of the same experiences, and I think we have demonstrated very clearly that if we are able to get that kind of response in apprehension on that short of notice, as I say, it is very naive to think it could not be done elsewhere.

Let me compliment the gentleman from West Virginia on the idea he has, because I have long felt, those of us who are strong supporters of gun owners rights of the second amendment have often felt that the bill that has become so controversial, the Brady bill, is a bill pushed by people who really are not concerned about a 7-day waiting period. It is that foot in the door. It is getting hold of our guns.

Now, if that is what their concern is, the gentleman from West Virginia has come up with something that is really right. If the concern is to apprehend the criminal element and keep them from getting guns, then this will do it and it will do it much more efficiently.

As the gentleman from Oklahoma is from a rural State, even though I do not represent one of the most rural parts of Oklahoma, I talked yesterday to the REC group. It is a group of about 150 farmers who were here. They brought up something that is very much of a concern to them. Many of them, if you are in the western part of Oklahoma, if you buy a gun, have to travel 40, 50, sometimes 100 miles. They get all the way in there. They have to make their application, go all the way back and come back and get it, and again that check could be made right there on the spot.

I want to really compliment the gentleman from West Virginia for coming forth with this. I think we are going to make some honest people out of others who are perhaps not representing what their real purpose is in supporting the Brady bill.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. HOLLOWAY].

□ 2030

Mr. HOLLOWAY. Let me start off by saying thanks to the gentleman from West Virginia for hold this very informative session and giving us all a chance to speak on the issue a little bit.

First of all, I would like to say that I probably do not favor your bill at all because I am opposed to gun control, but I do see it as a substitute in an area where we have to compromise so many times here in Washington, truly against what our beliefs are. This is one of the issues that I am sure the National Rifle Association would have never come up with or helped to come up with a bill that maybe could get through Congress if they had their choice. But it is a substitute that I think those of us who are opposed to gun control have to support. That is my reason for being here and to say a few words along that line.

I kind of like to get with you and see if we can inform people a little bit because I think the perception out there in the public is that a waiting period sometimes is what is best. I believe once people are informed, they truly see that, to me, this is like using paper ballots instead of using a voting machine. I think we can compare it along those lines. We have the technology, why not use it?

The basic question I would like to ask the gentleman from West Virginia [Mr. STAGGERS] since he is the author of the bill, is: What happens under the Brady bill once we have an application with a gun dealer, whoever, and that goes to the local authorities, where I am not totally sure who the local authorities are, and the gentleman may explain that to us, where that application would go and what actually happens with it after it gets there and what could happen that would be more effective than having an instant check, having the criminal standing in front of you and passing it on? I would like for the gentleman to give me a little information for me and for anyone who may be listening, to realize that—a lot of times we create bureaucracies here, and we seem to be the greatest in creating them.

Mr. STAGGERS. Let me respond before I answer the question about the gentleman mentioning gun control. I

do not believe mine is gun control. It does protect the second amendment rights of individuals.

The procedural vote which we are probably going to have is that, if you vote "no" on mine, you are probably going to be voting for gun control, and I hope you keep that in mind before you make the decision as to which color you would punch there.

To answer your question as to what happens under the Brady bill, it would be sent to the chief law enforcement agency of the country, whatever the network of government would be. In the case of West Virginia, it would be the county and the sheriff. It would be different in each State. But it would be the chief law enforcement agent of that area.

That individual would have the discretion whether he would in fact check the records. But he would have to sign off that he did, in fact, receive from the dealer an application that there was a handgun attempted to be purchased.

My concern from a rural State is that if, in fact, he does not check those records, that he will be sued and there will be a liability in the States and they would have to pay for any type of check.

My instantaneous check, mine would say that the attorney general would set up this toll-free number that the dealer would have to call, and put more of the burden on the Government, the Federal Government, as opposed to the individual State or local municipality or county or parish or whatever the case may be.

Mr. HOLLOWAY. Let me ask the gentleman this question: I am also from a very rural area and represent a tremendous portion of Louisiana. Is there a mechanism in place today, particularly for those of us in rural areas, that they have the technology and the information in a data base that they can check from? Or do we need particularly what comes out of the gentleman's bill that will help us to create the type of information base that we need to know who is and who is not—who a gun should be sold to?

Mr. STAGGERS. The data base is not perfect. It will not be perfect under my bill. We do not expect it to. That is something that we can strive toward.

Unfortunately, from the Brady concept the local law enforcement agents will have to try to track those records down. Under Federal law, you would have to get a court order to look at the mental health, if, in fact, somebody had been committed, you would have to get a court order to do that. I do not know what it is like down in Louisiana, but I can tell you in West Virginia they are not going to do that in 7 days, sheriff coming in and trying to get a court order for someone who wants to purchase a handgun. It probably will take a lot longer than 7 days.

So, the liability question will still fall probably on the municipality.

Under my concept, what I do is to say that we would, in fact, have this in place in 6 months and we will have a 2-percent error. We will take the existing data base—also, what my bill does is accelerate the computerization, which is not a new program. We have been doing that for the last 2 years. It would build upon that concept, in fact, double it from a 5-percent mandate to 10 percent of the Federal funds that the States are already getting. We mandated that they take 5 percent of the funds whch we are providing them to computerize records.

My State is one of those being criticized that we do not have computerized records. Mrs. Brady has characterized us as having records in a shoebox. I guess I could take take as a somewhat humorous attempt to show our records are not up to date. I take it in that vein. It is not that bad.

We do have an electronic check. I can guarantee you if you are caught on the highways of West Virginia, the records are checked immediately.

So we have the means to do that. Whether that data base can be transferred to the national center is something that would take some work and take some time.

But we have mandated this for the last 2 years. This bill, if in fact we adopt the Staggers amendment on Wednesday next, is not going to become law Wednesday next. It has a long way to go from there to the Senate, then on to the President. I had understood there are some veto threats unless certain conditions are met.

So we probably are not talking 6 months from next Wednesday. It is my opinion that we will be able to implement the system of getting the data bases because every State in this Nation is required to do this. At this point the data base is not good, but the Brady concept, if in fact we do that, will not accelerate the implementation of the computerization of the records. It will leave what we have in place, which will slow it down. It will put the burden upon the State and local governments to come up with those checks even though they do not have the ability to do that.

Mine would grant the Attorney General the ability to go with other Federal agencies to help obtain some of these records. For instance, if you are an illegal alien, that is one of the classifications by virtue of which you cannot obtain a handgun right now; you are ineligible; I do not know how the sheriff or whoever the chief law enforcement is, is going to check whether the individual is an illegal alien. I doubt if he has the ability to do that or whether he has the inclination to do that. But after he gets sued a couple of times, he will probably have that information.

Mr. HOLLOWAY. But we do need all of that information.

Mr. STAGGERS. Exactly.

Mr. HOLLOWAY. If we do not do a proper bill and we do have that technology available, we cannot protect a criminal any longer or the insane or whatever; we have to have that in some kind of data base that lets us know instantaneously what happens.

Let me ask the gentleman another question: In today's times everybody is worried about the Government looking for funds, they are looking for taxes to collect, users fees wherever applicable. Is there any type of user fee, any type of collection of a charge in either of these bills for the gun buyer?

Mr. STAGGERS. Not that I am aware of. In the Staggers concept, what we do is set up toll-free numbers. It is our estimate that it would be between $3 billion and $9 billion, depending on how many gun purchasers there are. That would come from the Attorney General's account. I think, obviously, we would not have to raise taxes to gather that amount from the account which we give to the Attorney General.

Under the Brady bill, although there will not be a direct Federal tax or a license fee, I would imagine that the States would be forced to pay for it in some way if in fact they are going to be facing the liabilities, which I assume that they will be facing.

Mr. HOLLOWAY. If it is like my State, they will be looking for user fees anywhere they can get them, or any kind of tax base.

So I would worry about it. But the gentleman's opinion is that the Staggers bill, for there ever to be any kind of user fees, it would have to come back through us in Congress, and if there is going to be a charge, it would have to come back to us for a charge.

Mr. STAGGERS. Exactly.

Mr. HOLLOWAY. I do believe that is a concern of the American public out there today. I know that one of the things we are always looking for here in Congress is new forms of revenues where we can pay for it. You know, I think there are cases where we need that. But in a case like this, I think our second amendment rights should protect us to own that gun if we are good, law-biding American citizens. I sure like one in my house for protection. I hope that we always have that right.

I will always fight on my end to keep that right.

Mr. STAGGERS. Let me interrupt the gentleman and reclaim my time: With reference to the data base, if in fact you are a law-abiding citizen, you go in to purchase a handgun and you have an instantaneous check, and they in fact approve you, within 5 days those records would be destroyed. There is not going to be a centralized recordkeeping. This is not a national registration of handguns. Those

records would be destroyed. There will be a unique number which would be put in there to show that in fact your were approved for that handgun purchase. So this is not a national registration which some gun owners are concerned about. That is why I think mine does protect the second amendment rights.

Mr. HOLLOWAY. I thank the gentleman and appreciate his yielding to me.

I have a sheet here that shows that Maryland has a waiting period and Virginia has an instant check. Maryland has held 38,996 applications, and the average waiting period is 7 days. Applications denied were 3,844. Applications on appeal, 608 The number of people charged is 31.

□ 2040

Whereas in Virginia they have handled twice the number, 73,992. It took them 90 seconds for the approval compared with 7 days. They have applications pending, only 1,200 compared with 1,800. Applications on appeal is zero compared with 608, and number charged is 138 compared to 31.

Mr. Speaker, with that type figures, I do not see where one can make an argument for a waiting period. In my opinion, if we go do something to try to stop the criminals and actually pick up or arrest the ones that are trying to violate the law, these figures to me lead to say nothing but the Staggers bill is the only way to go, that the Virginia law far exceeds the law in Maryland, and, if we do not go with a tight check, we definitely need to go with an instant check, and I very highly compliment the gentleman from West Virginia [Mr. STAGGERS] for his bill, and, if we are going to do things, we need to do them the right way here every now and then. And I know there is a lot of sympathy out there for the Bradys, and I know that carries a great amount of appeal to the public, but in my opinion there is no comparison between the two.

Mr. Speaker, I definitely will be voting for the Staggers bill, and I thank the gentleman from West Virginia [Mr. STAGGERS] for yielding time to me.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman, and I appreciate the Chair letting me close.

Mr. Speaker, one of the things that I would like to say is that obviously mine is not the perfect bill. In the 9 years I have been in Congress I have never voted on the perfect bill. I have never seen the perfect bill, and I will never see the perfect bill. So, my bill is criticized because it is not perfect. I doubt that any bill can get through here that cannot be criticized for not being perfect.

However, Mr. Speaker, I believe what we went through here is mainly the exercise in symbolism. I do not believe that in fact the Brady bill is going to keep the guns out of the hands of criminals. I think mine does a better job of it, but it will not keep all the guns out of the hands of criminals, but it does a better job of what the Brady bill attempts to do. I believe it is a cruel hoax on the public if we in fact say that we are going to have anything to do with keeping the majority of handguns out of the hands of criminals.

I think the other question that has been addressed here is: Who is going to pay for this, whether it is the Federal Government, since it is a Federal mandate, or whether it is going to be State, local officials that are going to be forced to do that.

Mr. Brady was a victim. I feel for Mr. Brady. I feel for all those victims. I have the emotion when I see people that have been victims, and we will hear a lot of that from the other side when they talk about the children that are dying on the streets, the examples that they will bring to us, but this bill will not really do much. I think it would be much more fitting to Mr. Brady if in fact we would put more effort into mental health research and counseling, drug and alcohol counseling, in talking about emotional crimes. Those would be the type of things which I think could make a difference and save lives. This bill I do not think will save lives. Mine does a better job. It will accelerate the records which have indicated that in and of itself for law enforcement purposes is a better approach.

Mrs. VUCANOVICH. Mr. Speaker, thank you for this opportunity to address gun control.

Mr. Speaker, I am afraid that this body has lost sight of the Constitution. I am afraid that we have allowed the well orchestrated antigun lobby to shroud the issue of crime and punishment in emotional rhetoric by blurring crime control with gun control. Mr. Speaker, I am afraid that we, as Members of Congress, are on the brink of making one of the largest infringements into the Bill of Rights in history.

Mr. Speaker, there is no question that a waiting period between the purchase and delivery of a handgun has strong appeal. Violent crime is on the rise in every city in the Nation, and the Brady bill supporters will have you believe their legislation is an effective deterrent to this crime wave. Proponents claim that with relatively small costs, there will be significant gains in public safety. Unfortunately, it is not that easy. Further examination indicates that this bill will do nothing to make our streets safe again.

The suggestion that drug dealers, murderers, and other criminals will be denied firearms under any gun control system is patently silly. Psychotic mass murderers have repeatedly bought guns in States with waiting periods. There is no evidence that waiting periods prevent suicides or domestic homicides. Few, if any, crimes could even theoretically be prevented by a 7-day cooling off period. A perfect waiting period or other permission system would not stop criminals from getting even retail guns. False identification is not hard to procure. And, although a fingerprint or other biometric check would defeat false identification, criminals are not limited to licensed gun dealers to obtain firearms in the first place.

The Brady bill has very little substance. If the intent is to take guns out of criminals' hands, then why does H.R. 7 provide for an optional, but not mandatory, background check by State or local law enforcement agencies on any citizen attempting to purchase a handgun? Further, if the cooldown period is so effective, why does the legislation exempt States from the 7-day wait period if they currently have an instantaneous check system?

Another Justice Department fact completely ignored by advocates of the wait period is the virtual impossibility of doing an accurate national felon identification check, given the disparities in State recordkeeping systems, in 7-days time. Even supposing the 7-day wait period were to work, convincing evidence, based on studies of criminals and prison populations, indicates that criminals have no need to attempt to purchase handguns legally, and overwhelmingly do not.

I only wish crime control was as easy as gun control. It's not. The advocates of the Brady bill have heard the argument time and time again: Gun control is not crime control; criminals are not limited to legal means when obtaining weapons, et cetera, et cetera. Yet, they do not listen. They do not look at the data. Advocates refuse to separate the issue of gun control from the emotions surrounding violent crime.

My heart goes out to the families and friends who have been the victims of violent criminal action; nobody discounts their loss. But looking beyond the emotions, we find that in Chicago, which bans handgun ownership, nearly 90 percent of all murders were committed by persons with violent criminal records. Why were they on the streets? New York City, with an extremely restrictive background check, averaged six murders per day. Los Angeles, with a statewide 15-day wait on all guns had 983 murders. Philadelphia, with both a mandatory background check and a wait period, had 503 murders. And the list goes on and on.

But probably the most revealing fact is right here in Washington. Here, in the District of Columbia, where it is illegal to own any firearm, 472 murders took place last year making our Nation's Capital the seventh bloodiest city.

There is no question that violent crime is on the rise; all the data and statistics tell us this. Nationally, the increased number of murders were matched by increases in rape, armed robbery, and aggravated assaults, all crimes in which a well-armed and trained citizen might have made the difference. In fact, of the crimes prevented by the use of armed force, private citizens used handguns to thwart a criminal attack some 645,000 times. This is almost twice as often as law enforcement, or roughly every 32 seconds.

If crime control is the desired result of this legislation, why did the House Judiciary Subcommittee on Crime and Criminal Justice deny the equally emotional testimony of Jacquie Miller against the Brady bill to be presented. Jacquie was the victim of Joseph Westbecker's drug-induced rampage.

Joseph Westbecker killed 8 people, wounded 12, then took his own life. Jacquie happened to be carrying a .38 caliber handgun in

her purse. If she were able to reach it in time and stop the madman, history would have been different. Unfortunately, Joseph Westbecker shot first. If Jacquie had only 5 more seconds, she would have been considered a hero instead of a lawbreaker. Louisville does not allow permits for carrying concealed weapons. And at the same time, all the gun control laws pending in Congress today would not have stopped Joseph Westbecker, who obtained his weapon legally 6 months before the incident. Yet, Jacquie Miller is considered a lawbreaker for trying to protect herself. Where is the justice here?

Each camp in the gun control battle has equally heart-wrenching stories. Both sides want to see an end to violent crime. Both sides want to see the streets safe again. Unfortunately, only one side approaches crime control realistically; the other equates gun control and crime control with an emotionally warped argument.

Mr. Speaker, the bottom line is that the waiting period the Brady bill proposes will only affect law-abiding citizens. Can anyone stand here in the well of the House and realistically claim that a waiting period will deter criminals—criminals who obtain arms through nonlegal means?

Advocates of the Brady bill and the antigun lobby simply refuse to look at the data. I am, therefore, left with the only logical conclusion: The Brady bill is only one small piece of a much larger agenda, the total abolition of private gun ownership, a blatant violation of the second amendment.

Mr. Speaker, I am gravely concerned that this body is letting the antigun lobby, fueled by emotional rhetoric, cloud a constitutional question. Should the citizens of the United States have the right to have and to bear arms? We all know the answer; we learned it in grade school.

As lawmakers of this country, we cannot selectively pass laws and make decisions in accordance with only the part of the Constitution that fits into our agenda. We must uphold the entire document. There is, of course, a process by which we can change the second amendment. If the people of the United States desire a change, then so be it. But for our country's sake, let us not be led down the primrose path only to find we have made an egregious violation of the second amendment.

Passing the Brady bill is only one more step in the antigun lobby's cause. Let us not be fooled by the rhetoric. Look at the evidence; look at the facts. There is simply no reasonable argument to pass such legislation. If this body is truly concerned about crime, then let us do something about it without violating the Bill of Rights.

To become a Member of this body, we have each taken an oath of office which states: "I * * * do solemnly swear that I will * * * bear true faith and allegiance * * * to the Constitution." Mr. Speaker, I urge my colleagues to uphold their oath.

NOT ALL LAW ENFORCEMENT OFFICERS SUPPORT THE BRADY BILL

The SPEAKER pro tempore (Mr. BACCHUS). Under a previous order of the House, the gentleman from Texas [Mr. FIELDS] is recognized for 60 minutes.

Mr. FIELDS. Mr. Speaker, I do not think that there will ever be a more important debate in this House of Representatives on the second amendment than the debate that will be conducted next week, and I do have some remarks that I want to make, but there have been a number of people waiting for a fairly long period of time. I know I am very appreciative of the fact that people are willing to take time from their busy schedule to come and speak on this important issue, and at this time I would like to yield to the gentleman from Louisiana.

Mr. HOLLOWAY. Mr. Speaker, I just want to finish up with about 10 seconds and verify the fact in saying that I oppose gun control. I think it is a very touchy issue on the second amendment rights, and it is one we have to be very careful with.

Mr. Speaker, we all want to take guns out of the hands of criminals. We all want to try to see we are able to monitor and see that we do not have mass slayings or individual murders, and I think we all intend to do everything we can to clean up some of the crime in this crountry, and I sure hope that this Staggers bill passes. I think it does have that capability, and, even though I oppose gun control, and I sure want to stand and protect one of the greatest rights we have in this country, and, when I look at the Chinese throwing rocks at tanks in their country where they have no possibility of ownership, it sure makes me worry, and I just wanted to clarify that, if anyone ever thought that we wanted to have guns be in the hands of criminals, that is sure not so because it is a tremendous problem in our country today, and life is not sacred at all anymore in many, many people's minds.

So, this is a great bill, and I think it does go a long way toward controlling some of that.

Mr. FIELDS. Mr. Speaker, I know the gentleman from Louisiana [Mr. HOLLOWAY] is extremely busy, and I appreciate his leadership on this and all the other issues which he is involved with, and I appreciate very much the time, and I would like to yield at this moment to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, having already talked on this subject under the time of the gentleman from West Virginia [Mr. STAGGERS], I am glad that the gentleman from Louisiana [Mr. HOLLOWAY] clarified that because I happen to know that the gentleman from Louisiana and I, that there are not any two people in this Congress that are stronger supporters of gun owners' rights than we are in the historic debates going back a long ways, and there are a lot of people who are going to try to masquerade this, a lot of people who are for gun control who are going to try to make this look like gun control just to keep it from passing because, if this passes, it gets to the construction of the real problem that is the debate of the Brady bill.

I ask my colleagues, "What do you hear when you hear about the Brady bill? You hear that you want to keep guns out of the hands of criminals."

Mr. Speaker, there is not a Member of Congress that does not want to take guns out of the hands of criminals, but if that is truly the intent of those individuals, we do not need to go with the waiting period. We all know what can happen to a waiting period. It could be 7 days, and all of a sudden it turns to 30 days, and it can go on from there. It is definitely the door.

Mr. Speaker, I want to ask the gentleman from Texas [Mr. FIELDS] a question because it is something that is very confusing to me.

I had an election this last year that was a very tough election, and, after I saw that the U.S. Peace Officers Association and all these law enforcement associations were supposedly endorsing the Brady bill, this disturbed me because I was very much opposed to it. I am a Republican. I went before the Fraternal Order of Police in the major city in my district in Oklahoma, Tulsa, OK, and I went before them, and I said, "I know I won't have your endorsement because I'm a very strong supporter of gun owners' rights and am very much opposed to the Brady bill, and I know on record you folks are on record supporting it."

Mr. Speaker, they supported me, I think mostly on the basis of that statement, and they were so offended that someone was giving them the impression that they, as police officers, were supporting the Brady bill.

Another thing happened to me. I went over to a reception that was here on the Hill, and this was, I guess, a couple of years ago, and it was right after they came out with the endorsement of the Peace Officers Association, and so I went down to this reception just to see if there were anyone from Oklahoma there so I could talk some sense into them. Well, I did not find anyone, but I told a group down there that I disagreed with them.

This last year, and this is something I really covet, I received an honor from the Oklahoma Highway Patrol. They only named two during the entire year to be honorary highway patrolmen. I was one of those, and I went to the meeting, and I said, "Before I accept this, I want you to know that I'm taking a very strong opposition to the Brady bill, and the Peace Officers Association, I understand, is supporting that," and they said, "No. In fact that's one of the reasons that we're supporting you."

Mr. Speaker, there was not one, not one, member of the hierarchy of either the Fraternal Order of Police in Tulsa

or the Oklahoma Highway Patrol who was supporting the Brady bill.

Now my question to the gentleman from Texas [Mr. FIELDS] is: How did they ever swing that thing if none of the police officers are really for it?

Mr. FIELDS. Mr. Speaker, as the gentleman from Oklahoma [Mr. INHOFE] is aware, this entire debate that we are going to be having next week is colored by perception, and one of the perceptions is that police are for waiting periods. Let me just quote to the gentleman the second largest rank and file police organization in the country, the American Federation of Police, and the second largest command rank organization in the country, the National Association of Chiefs of Police, who oppose waiting periods. It was mentioned just a moment ago about some of the people from various States, law enforcement individuals, coming into offices today. I had a group from Texas, and they said that their rank and file do not support waiting periods because waiting periods do not work.

□ 2040

They went on to say, after I asked the question, since I asked the question, since your life is on the line and your family, every day, worries about your safety, what protects you the most? What do you think would work best in terms of keeping handguns out of the hands of criminals, the Brady approach or the Staggers approach?

And they said, unanimously, the Staggers approach.

It is also interesting to point out that among big-city police chiefs, many of whom have come out in favor of Brady, it is interesting to note that those big cities already have some form of gun control laws. They would be exempt from the Brady bill, so it is easy for them to make a statement, knowing that they themselves would not be affected.

Mr. INHOFE. Is it true that some States, at the State level, also do, so that they wouldn't come under the jurisdiction?

Mr. FIELDS. Absolutely. And it is also interesting, when you look at the statistics that have been reported, it has been reported that 91 percent of the American people support the Brady amendment, until you look at the question that was propounded by that polling organization. The question was, and I quote, "Would you favor or oppose a national law requiring a 7-day waiting period before a handgun could be purchased, in order to determine whether the prospective buyer has been convicted of a felony or is mentally ill?" Who is going to oppose that? I don't know of anyone who would oppose a question phrased that particular way.

However, when you turn the question around and you ask the question about a law giving police the power to decide who may or may not own firearms, the public says, 68 percent to 29 percent, they do not favor giving the police that authority. So I think it is important to put this entire debate in perspective.

Mr. INHOFE. It is a very sophisticated campaign that they have been able to put together. It is one that has, I know from my own hall meetings, I get questions, and once I have a chance to explain to them what it really is and what the motivation is, there is not a problem.

I have one more question for the gentleman. Since it is called the Brady bill, that implies that if this had been the law at the time that the assassination attempt took place, that it perhaps would not have happened.

Now, we are talking about a 7-day waiting period. We are also talking about a criminal element.

Did John Hinckley have a criminal record, No. 1, and No. 2, did he have his weapon more than 7 days? Do you happen to have the answer to that?

Mr. FIELDS. Well, if I remember the facts correctly, he did not have a criminal record. Under Brady, he would not have been denied the purchase. If I remember correctly, the facts were that he brought in a jurisdiction where he lived, so even if there had been a 7-day waiting period, he would have been there, able to purchase the firearm.

To be intellectually honest, under the Staggers bill there would not have been a record that would have demonstrated that he could not own a gun. But to me that brings to bear another perspective of this particular debate.

Only 17 percent of the criminals who commit a crime with a firearm purchase those firearms from legitimate sources. That is what we are trying to control, and in the situation of Mr. Brady, again a very tragic incident, the Brady legislation or the legislation we propose would not have answered that particular situation.

Mr. INHOFE. Mr. Speaker, I thank the gentleman for yielding to me. The last thing you said, I had said in reverse way a little bit earlier, that 83 percent of the crimes are committed with guns that were purchased illegally. So the bottom line is going to be or would be, if you take the overall gun control concept, that 100 percent of the legal, law-abiding citizens would loss, could lose their right, while 84 percent of the criminal element would still have their weapons.

It would seem to me that that comes to a logical conclusion of a defenseless law-abiding society. I thank the gentleman for yielding.

Mr. FIELDS. I appreciate the gentleman's excellent presentation, and certainly he, too, has been a leader and has listened to the people in his district. I appreciate you taking the time, coming to the floor at this late hour and sharing your remarks.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I would be glad to yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished gentleman from the Eighth District of Texas. I want to thank Congressman RIGGS from California for allowing me to take this time ahead of him, since he was on the floor before myself.

I would say that, as I sit here this evening listening to this special order and listening to some of the debate in the various policy committees the last several weeks about this, I have got a sense of deja vú. I went back and pulled out a press release dated September 22, 1988, that I put out on the McCollum amendment, which we debated on the floor of the House back in the summer of 1988.

I was an original cosponsor of the McCollum amendment, spoke for it on the floor, and was very happy to see that it actually passed the House of Representatives by a vote of 228 to 182.

The McCollum amendment basically required that the Justice Department conduct a study about the viability of a background, instantaneous verification or instantaneous background check at point of purchase.

This House, 3 years ago, voted to do that. We are here again today. We will be here again to determine whether to support an instantaneous background check such as is included in the Staggers substitute or whether to go with the 7-day waiting period in the Brady bill.

If you do a side-by-side comparison, and I know the gentleman from Texas has done such, many other people, the Brady bill does not accomplish what it is supposed to do. It does not require any kind of a background check. It simply requires there be a minimum 7-day waiting period during which the legitimate purchaser of the weapon cannot receive the weapon. It has no standards, it has no guidelines.

It simply sets a time period during which law-abiding citizens cannot purchase the handguns that they wish to.

On the other hand, if we adopt the Staggers amendment, whereas the McCollum amendment 3 years ago required the Justice Department to do a study and did not require that it actually be implemented, the Staggers amendment would give the Justice Department, I believe, 6 months in which to actually put such a system into place.

I have spoken directly with the Director of the FBI, William Sessions, to check on the viability. Do we have the technology? Do we have the capability? Could it be done?

He has assured me that we do have the capability and that it could be done. In fact, the Justice Department has spent several millions of dollars and is continuing to spend millions of

dollars in which to put the database together, the software package together to make it a viable option.

If the intent of the law, of the legislation, is to deter criminals from purchasing handguns and, to some extent, to apprehend criminals that attempt to purchase handguns, there is only one piece of legislation that we are going to be voting on that does that, and that is the Staggers amendment.

If on the other hand we simply want to try to play to the emotionalism because of a terrible tragedy that happened to a very, very patriotic and heroic American, then perhaps the Brady bill is the way to go because it is very symbolic but literally does nothing. So I will be supporting very strongly the Staggers substitute, and hope that the vote 2 weeks from now is the same as the vote was on the McCollum amendment 3 years ago, which was to pass it.

Mr. FIELDS. I appreciate very much and I will say to the gentleman, I know that you spend an enormous amount of your time working on energy issues, and know that this must be extremely important to your constituents and to the people in your State, our State, for you to come over and take time to now again, at this late hour, to speak on an issue.

And I would just ask the gentleman, do you agree with me that this is one of the most important debates, next week, that we will ever have as legislators on the Second Amendment?

Mr. BARTON of Texas. Mr. Speaker, I would agree with the gentleman. I would just like to read into the RECORD the second amendment. It says:

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

So I would agree with the gentleman from Texas, this is a very, very important debate. It is a basic American right, guaranteed by the Constitution, and we should uphold that right totally.

□ 2100

Mr. FIELDS. I appreciate very much the gentleman being involved. I know that his time is precious, and appreciate him coming over at this late hour.

Now I would like to yield to the gentleman from California [Mr. RIGGS] who has been patient, and, again, an expression of thanks for him coming over at this late hour to talk about again a subject that is very important, that all Americans need to realize will be debated next week.

Mr. RIGGS. I thank the gentleman for yielding his time and appreciate the opportunity to join the colloquy at this point, because I come at it from a little bit different perspective perhaps than a majority of my colleagues here in this Chamber, and that is the perspective of, if I can use the term, of an ex-street cop, and someone who spent 6 years in California law enforcement as a police officer and as a deputy sheriff for medium-sized law enforcement jurisdictions, right there on the streets, confronting the whole crime problem and the other societal problems that are bred by our runaway crime problem here in America, firsthand.

The first thing I would like to say to the gentleman is that he has made references tonight and, previous of our colleagues have made references tonight, to the vision of rank and file law enforcement.

While not purporting to represent rank and file law enforcement en masse, I can say that there is a widespread concern in rank and file law enforcement in America with the whole issue of handgun violence. It is a much broader issue than what we are discussing here tonight with respect to our upcoming votes on the Brady bill or the Staggers amendment.

That whole issue of handgun violence that concerns American law enforcement and a significant segment of the American public so greatly takes us into other areas as well, the issue of handgun safety, handgun familiarization, and handgun education for gun purchasers, particularly those with little experience in handling and maintaining and storing firearms in a safe manner.

Rank and file law enforcement has a very real concern regarding the certain types of ammunition which are commonly available in sporting goods stores and gun shops in America. There has been a concern, in fact there has been some focus brought to bear here in the Congress, with respect to certain types of ammunition, even ammunition that has the ability to penetrate the common type of bulletproof vests worn by rank and file law enforcement.

They have a concern also with regard to simply being outgunned on American streets by the criminal element, which is in many, many cases now, particularly in our inner cities, and in organized crime interests that control so much of the drug traffic in America today, are capable of obtaining and all too often using weapons of a higher caliber than the standard issue law enforcement weapon carried by the rank and file police in America.

There are still police out on the streets of America today who go about performing their duties without bulletproof vests, for lack of a department-issued vest, for lack of sufficient funding in their jurisdiction for whom they work, to provide them with a bulletproof vest.

So, I just wanted to, if I could, insert those issues into the RECORD, into our discussion this evening, so we could look at those as well. Perhaps they are not immediately germane to the upcoming debate, but certainly they are issues that should concern us all.

I also would have to disagree with the inference that when everything is said and done and we pass some sort of measure here, that this background check should be done by anyone other than law enforcement.

Granted, it is going to be a fairly intricate process when everything is said and done. But, if not law enforcement, who should be performing the inquiries? Law enforcement, as the gentleman knows, right now performs a variety of inquiries into the criminal history, if any, on the part of a number of local citizens, those that seek special types of permits, whether it is liquor permits, taxicab permits, or job applicants in certain situations.

Mr. FIELDS. If the gentleman would yield, it is my understanding under Staggers when the system is implemented, that the toll-free number will be to law enforcement personnel. Of course, to me, this is one of the strengths of the Staggers approach, in that we are enhancing and improving the criminal data base in the country, something that is sorely needed, not only on a local and State level, but on the national level.

It is my understanding that that will be manned and operated by a law enforcement person.

Mr. RIGGS. I thank the gentleman for that observation. Unfortunately, the gentleman from West Virginia is no longer in the chamber, but that is one of the issues I wanted to come to at this point and get certain in my mind as to what sort of data base and what sort of information system we are talking about here.

Is what is evidenced by the Staggers amendment a system wherein there would be an immediate phone and computer hookup from the local gunshop dealer to the National Crime Information Center back here in Washington, which has access to a data base?

If that is ultimately where we might be heading with the Staggers amendment, realistically, the gentleman from Virginia mentioned a cost somewhere in the neighborhood of I believe $3 to $9 million. But is that the cost? Is that going to be money diverted away from other law enforcement needs in the Justice Department budget? Frankly, how long will it take to compile that data base and to bring this system outline?

Mr. FIELDS. Well, it is spelled out in the Staggers legislation. I think the best thing is to look at what has happened in Virginia, where there is an instantaneous check currently operational.

That system had an initial budget of $547,000. From November 1, 1989, to October 31, 1990, the first full year of operation, the system has actually cost $310,000, startup and operate.

It is estimated that in States that are not exempt under Staggers or Brady, there would be, and this is the

best guess, best estimate, about 2 million transactions. It is estimated that again, based on Virginia, the experience in Florida and Delaware, that the average cost to check would be about $2.

I try to tell people as truthfully as I can, we are looking at $3 to $9 million a year to operate this particular system. You are looking at probably $3 to $6 million in software cost.

The Attorney General since 1988 has requested $50 million to upgrade criminal records in this country. Now, that has been done regardless of Brady, regardless of Staggers. Many times proponents of Brady try to lump all those figures together to say this is too costly a system. It is not.

Again, I base my statements on what is currently operational, not trying to postulate and guess and do anything other than just look at the facts.

Mr. RIGGS. The gentleman then is suggesting that with the Staggers amendment we would in effect develop a national data base?

Mr. FIELDS. A national data base is needed. I will give a good example. If there is a resident of the State of Texas, and that person has no criminal record in Texas, and yet he goes off to Ohio, or California and commits a crime under the Brady bill, more than likely that would not be picked up during that 7-day waiting period.

If there is a national data base, that would be picked up. That is the person we are trying to target under Staggers, to keep that person from purchasing a handgun.

To me, that makes sense. It makes sense to a lot of other people. As the gentleman from West Virginia [Mr. STAGGERS] stated earlier, that is one major reason that we think our piece of legislation and our approach is superior.

Let me point out to the gentleman that when you look at the objective of Staggers, which is the instantaneous check, and when you look at the objective of Brady, which is just a waiting period, the objectives are the same: that is, to deny handgun ownership and purchase to those people who have broken a law, the criminals. That is what the people of America support. They support the objective.

Once you get past that basic understanding, that fundamental threshold, the question then becomes which process satisfies the objective?

Now, with Brady, you have a 7-day waiting period. The only mandate is that the transaction be reported to a central police authority. That is it. That central police authority might check, they might not check. There is no requirement. There is no national data base created. To me, that is why that particular approach is fundamentally flowed.

But at this particular moment, less than 5 days from the debate, the emotion is on the side of Brady. The emotion is there because people want us to do something. They are in favor of the objective.

My goal, along with other people, is to make sure that not only our colleagues, but all of America, realizes that to meet that objective, we have to look at another alternative, because that waiting period is not going to work. The alternative is the Staggers approach, where you have an instantaneous verification of whether a person has a record.

If I could, let me just go a little further, because Virginia is the best example of an instantaneous verification system working.

□ 2110

So the people understand the concept of an instantaneous verification which is very similar to a credit-card check that all of us go through when we go to make a credit-card purchase. And in regard to a credit-card check, people are instantaneously verifying whether or not we are creditworthy, whether we have a good credit history. It is the same basic technology in the Staggers approach, and in Virginia, and they have had this operational since November 1989. There have been 82,000 transactions and 1.6 percent were disapproved.

That is another difference between Staggers and Brady. Under Brady there is no real criteria for what will be approved or what will not be approved. Under Staggers it is very clear what the criteria is. Under the Virginia program 32 fugitives have been apprehended. It is a system that is working.

The gentleman raised a question just a moment ago about the time for implementation. The Virginia system was implemented in about 6 months. The Delaware system, which is very similar to Virginia, was implemented in 6 months. The Florida system, which is very similar to Delaware and Virginia took a little less than a year. So I tell my colleagues again, based on the facts, there should not be any reason why this particular system required under the Staggers proposal could not be implemented in a 6-month to 12-month time frame. I think the American people demand it, and I think we should do it as responsible legislators.

I am glad to continue to yield to the gentleman from California.

Mr. RIGGS. I thank the gentleman for yielding. I am wondering if the gentleman would care to comment on the fact that in fact the Brady bill has gone through an evolution of sorts and is now, because I think we have to be honest with one another and admit that there are very powerful political forces on either side of the issue, is now in somewhat of a watered-down form. Frankly, for political reasons, in my view, the Brady bill no longer could be considered to be an absolute mandate. In fact, it is I think really intended to be obviously a cooling off period, which is I think at the crux of our debate here this evening and in the upcoming week, and second is in fact not capable of being utilized by local law enforcement if they have the resources to carry out the Brady bill.

But rather than getting bogged down in those aspects, I wonder if the gentleman also sees any other utilizations or possible applications of this newly created data base, or has the gentleman gotten any feedback whatsoever from law enforcement about this new data base created by information fed into the National Crime Information Center by State and local law enforcement authorities possibly having other applications as well?

Mr. FIELDS. I think there are other applications. I think it is very advantageous when a patrolman pulls someone off the side of the road for that person to be able to access data to see who he is dealing with. And again, unless you have some type of national data base, you might feel with some degree of confidence who you are dealing with within your State, but you may not know what type of individual that person is outside your State. I think that that type of national data base could save lives for the people who serve us.

The gentleman has been in local law enforcement and he can agree or disagree. But I think the people in Texas feel that that type of information should be available to those who serve us in law enforcement.

Mr. RIGGS. So the gentleman contemplates a usage of the system wherein it could also be an additional tool for local law enforcement where local law enforcement, potentially in the performance of their routine duties in the field on America's streets could access this system for valuable information?

Mr. FIELDS. I think that is the anticipation of the Attorney General in his request for $50 million over the next 3-year period, that it be used for other purposes other than strictly verification for gun purposes.

Mr. RIGGS. Let me ask the gentleman, if I might, one other question. That is, there was some discussion around here just a few weeks ago about the possibility of a merger, a merger of a handgun bill into the President's anticrime package. In fact, I believe at one point in time the White House indicated that the only way that the Brady bill might be acceptable to them was in fact if it were to be merged in the President's anticrime package.

In my view, and there have been other speakers on the floor today who commented to this effect, we very much need those new, tougher anticrime measures, although they only would apply to certain Federal crimes, certain Federal fugitives. In my view it is a shame that we cannot

get that combined package to this floor, because I think the package would be that much stronger by the addition of a measure that would deal with handgun proliferation in the wrong hands; that is to say, the criminal element of America that might be inclined, spur of the moment, or as part of a criminal plan, to actually go into a firearms shop and attempt to make a purchase there.

Does the gentleman from Texas have any comment about that? I mean it is unfortunate in a way, given the late hour, that we do not have Members from the other side of the aisle to comment on that. But why has the process not allowed us in fact to fashion this merger in the name of good sound public policy?

Mr. FIELDS. I think it is important to point out that there were some people from the other side of the aisle earlier who were in support of the Staggers approach. At this point the debate that we will have next week is a freestanding debate. It is not coupled with the President's crime package.

If we really want to get serious about crime in this country, we should not be concerned about controling guns, we should be concerned about controlling criminals, and you control criminals by amending the exclusionary rule and changing the exclusionary rule so that when a law enforcement officer, in good faith makes an arrest, does a search, makes a seizure, that that evidence and testimony can be introduced, and that evidence and testimony should not be precluded based on some technicality.

So, if we really do want to get serious about doing something to stop crime in this country, we should be doing things like that.

Second, we should change the Constitution in regard to Federal judges. Federal judges have created enormous problems, and I will use my State of Texas as an example. They have made prisons in the State of Texas country clubs. People do not have to work if they do not want to work. If they do want to work, they cannot work if it is 90-plus degrees or they cannot work if it is below 30 degrees. That is wrong. The biggest decisions these people have to make in our prisons today in Texas is whether they watch one cable channel or whether they watch another cable channel, whether they watch this soap opera or whether they watch that soap opera, and that is the fundamental problem that we have. So if we are really going to get serious about crime in this country, we need to deal with that particular issue and to deal with that issue we have to deal with Federal judges, and to deal with Federal judges we have to amend the Constitution and take away that lifetime appointment that allows people to become legislators instead of the interpreters that our forefathers intended. That is what we have to do.

However, that is not the debate next week. The debate next week is whether we tamper with the second amendment which has served this country well, unlike the part of the Constitution dealing with Federal judges.

At this time I am going to yield to another gentleman who has been waiting. I really appreciate the gentleman from California coming over and offering his perspective and sharing that information.

I yield to the gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. I thank the gentleman for yielding and want to thank him too for his efforts in putting together this special order to focus on a very important matter to a lot of my constituents, and that is the right to keep and bear arms.

Before I get to my prepared remarks, I want to respond to one of the questions asked by the gentleman from California [Mr. RIGGS]. He asked if there might be other uses for the national data base that is to be created under the Staggers bill, and the gentleman from Texas [Mr. FIELDS] pointed out one other use. I would like to point out another.

Coming from a part of the country that is sort of unusual, I come from Shreveport, LA, which is in the northwest corner of Louisiana, and Texas is right next door and Arkansas is just right up above us. So we have a little problem with criminals being able to come into that tristate area there and evade detection by hopping across the State lines from time to time. If we had a national data base in place whereby a policeman in Shreveport, LA, could get on the phone when he sees the license plate on a car parked at a suspected drug house and see if in fact the owner of that car has had previous criminal involvement with drugs, then it could help him to put his case together against that cirminal. So indeed a national data base would have other uses, very good uses for our law enforcement personnel.

□ 2120

Mr. Speaker, I rise tonight to express my opposition to H.R. 7, the Brady bill, which seeks to infringe upon every American's second amendment rights as guaranteed by the Constitution of the United States, and to voice my staunch support for H.R. 1412, the Felon Handgun Purchase Prevention Act, which is authored by our colleague from West Virginia [Mr. STAGGERS].

As we all know, the Brady bill would impose a 7-day waiting period prior to the purchase of a handgun. However, it is important to know that this legislation, which is highly praised by its advocates as a bill which will reduce crime and keep guns out of the hands of criminals, does not require any criminal background check of any kind, simply a 7-day waiting period—7 days which will elapse without accomplishing anything, except denying law-abiding citizens the right to exercise one of their most basic freedoms for 7 days.

A Gallup Poll has reported that 91 percent of the American people support the Brady bill. Yet, if one examines how the question was phrased, the answer becomes obvious. "Would you favor or oppose a national law requiring a 7-day waiting period before a handgun could be purchased, in order to determine whether the prospective buyer has been convicted of a felony or is mentally ill?" That is not the question that will be asked by the Brady bill. This question assumes that a check will be made into criminal records, which the Brady bill does not mandate, and mental records, which are confidential.

Even more absurd, handgun control, the driving force behind the Brady bill, has indicated that it would sue any police department that does not conduct a thorough background check, even though the Brady bill does not mandate such a check. At the very least, the Brady bill would open up local and State law enforcement agencies to a brand new form of tort litigation, something they do not need.

The latest figures from the FBI uniform crime report illustrate some alarming facts about the impotence of waiting periods.

First, of all the homicides committed in the United States, 67 percent occurred in States with waiting periods or permit-to-purchase laws.

Second, of all violent crimes committed in the United States, 74 percent occurred in States which have waiting periods or permit-to-purchase laws.

One might say, "Well, gee, JIM, those statistics do not mean much unless we know how many States have those laws." All right; 25 States now have such laws. Fifty percent of the States have the laws, but 67 percent of homicides and 74 percent of all violent crimes were committed in those States that already have those laws.

As an alternative to H.R. 7, I wholeheartedly support H.R. 1412, the Staggers bill.

This landmark legislation would mandate an instantaneous criminal background check of all individuals wishing to purchase a handgun. As many of you know, the State of Virginia has implemented a system similar to the one proposed by H.R. 1412. As of January 22, 1991, 73,992 firearms transactions occurring in Virginia required an instantaneous felon identification check, with each check taking approximately 90 seconds to complete.

Of that number, 1,200 application denials were upheld, resulting in the identification of 35 wanted felons, 21 of

whom were arrested. Another 103 individuals have also been arrested for various violations of Federal firearms laws; 48 percent of them have been convicted. That is success that accomplishes something.

In order to address the potential dilemma of incorrect records, the Staggers bill mandates an improvement in all deficient criminal history records. The Brady bill does not.

The Staggers bill provides for a specific appeals process on all disapprovals. The Brady bill establishes no appeals process for denials.

The Staggers bill keeps police on the streets fighting crime. The Brady bill diverts attention of police from fighting crime to shuffling paperwork.

In short, the Staggers bill protects every American's second amendment rights—unfortunately, the Brady bill encroaches on those rights. Many of us have worked diligently to enact tough laws and impose stiff sentences to combat crime. Certainly, there is unanimous agreement that crime must be stopped and criminals must be punished. The scourge of drugs that plagues our cities and neighborhoods demands our attention and action. Many have argued that gun control legislation, like the Brady bill, would alleviate this problem or even lessen the problem. It would not. I have already given you the statistics from those States that already have such laws. They have more, not less, crime. We know that most criminals do not obtain firearms through legitimate commercial channels. They steal them from you and me. They buy them from other criminals on the street corner. By definition, criminals ignore laws. Proposals such as the Brady bill can only reward their lawlessness.

Opponents of the Staggers bill have suggested that the instantaneous check system is cost prohibitive. The gentleman from Texas [Mr. FIELDS] has already addressed that question to some extent. H.R. 1412 would incur an estimated one-time startup cost of between $7.5 to $12.5 million to cover the cost of computer hardware, hardly prohibitive. The gentleman from Texas [Mr. FIELDS] talked about the annual recurring costs that are estimated based on the Virginia experience and others somewhere between $2.8 and $4.3 million a year. That is hardly prohibitive.

The Brady bill could cost up to $64 million annually based on expenses incurred by those law enforcement agencies which exercise the option to conduct a background check. Since the Brady bill does not require a background check, an estimated 800 active serious criminals who could have been caught under an instant check system will go free. The Department of Justice estimates that each active, serious criminal incurs over $425,000 in annual costs to society, versus a $25,000 annual expense for imprisonment.

Mr. Speaker, the instant check will catch some of these criminals, saving society over $320 million annually for each one caught, based on those Department of Justice figures.

Indeed, it is disheartening to note that the legislation which bears the name of a most distinguished American, Jim Brady, would not have prevented John Hinckley from committing the violent act which disabled Mr. Brady, a Secret Service agent, a District of Columbia policeman, and President Ronald Reagan outside the Washington Hilton on March 30, 1981.

Mr. Speaker, I sympathize with those among us who are the victims of crime which plagues our Nation. But let us not punish honest citizens; let us punish criminals and protect the integrity of our constitution. The Staggers bill accomplishes this objective, the Brady bill does not.

Mr. FIELDS. Mr. Speaker, I want to say to the gentleman how much I appreciate him staying and speaking tonight. It has been 3½ hours since we concluded legislative business, and I know that it is a very unusual and unique circumstance that the gentleman and the rest of his colleagues who have spoken have stayed this long after the conclusion of the business of the House of Representatives. I think it indicates how important this legislation is to this House, to this country, how important the Constitution and the debate that will occur on the Constitution is.

I am extremely appreciative for the gentleman taking his time.

I want to conclude tonight by again bringing forward the concept, the objective, which is the same for the Brady and the Staggers approach, and that is to stop the criminal element from purchasing and possessing handguns, but that is where the similarity ends.

I think it is important to point out that a handgun is no more dangerous than this pen. It is an inanimate object. It only becomes dangerous when an individual abuses that particular firearm.

□ 2130

So the emphasis should be placed on the people who are going to abuse the firearms, the criminal element. That is where the real distinction lies between Staggers and between the Brady approach.

I will also reiterate that if this debate next week occurred on a motion, we will not be successful. The second amendment to the Constitution will be eroded. I think we will be successful, those Members who feel the second amendment is important, but also feel it is important to deny handgun ownership to criminals if the debate next week occurs on the facts.

The facts are these: The Staggers bill imposes no undue delay for individuals who are law-abiding, who wish to purchase a handgun. Brady imposes a 7-day minimum waiting period for the purchase of a handgun, which does infringe on a citizen's second amendment rights. The Staggers approach requires a criminal background check on all individuals wishing to purchase a handgun. The Brady approach has no requirement, no requirement for a background check of any kind. The Staggers approach mandates an improvement in all deficient criminal history records. Brady requires no improvement in deficient criminal history records.

Under the Staggers approach, an individual is guaranteed a right to purchase a handgun within 24 hours. Under Brady there is no action to be taken on a handgun purchase request, regardless of how much time may elapse. Under Staggers, there is a specific appeals process on all disapprovals. There is no appeals process under Brady. Under Staggers, we implement the system the Attorney General has suggested as feasible—usable and proven technology, that instantaneous check. The Brady approach does not require the implementation of any system. Under Staggers there is objectivity because there is criteria. Under the Brady approach there is no criteria spelled out for whose background may be singled out for special attention by authorities. I could go on and on and on.

It is important that the debate that is conducted on the floor of this House be conducted on fact devoid of emotion. Now we will look at some other facts. Some people have tried to make the case that waiting periods and gun control laws work. We will look at the facts. We will first of all look at California, that has a 15-day waiting period, more than twice what is required under Brady—15 days. Since that has been implemented, the State homicide rate has risen 126 percent, more than double the national average.

Or take the example of New York. In New York, where we have some of the toughest gun control laws in the Nation, in the City of New York one-sixth of the Nation's armed robberies occur. That is New York City. In New York City more murders occur than 20 other States combined. In New York City there is a 100,000-case backlog at this particular moment.

That raises a question that if there is that kind of backlog, how would someone under Brady provide a check for the purchase of a handgun? It cannot be done. It is not feasible. It is not workable. In fact, I thought it was extremely interesting to also look at a few other things. The crime of passion argument has been raised. We will remove the emotion, and we will look instead at the FBI uniform crime report. There is some good news. Crimes of

passion are done 23 percent. That is good news. But they still occur. The majority of the crimes of passion were perpetrated between the hours of 10 p.m. and 3 a.m., when gun stores are closed. Fifty percent of the crimes of passion are under the influence of drugs and/or alcohol. The most telling statistic in the FBI Uniform Crime Report on the issue of crimes of passion is that 90 percent of those crimes of passion occur where the police had been summoned previously—90 percent of the crimes of passion, the police had been summoned previously.

I think it is incumbent that we also look at what I think is the bigger agenda, for those people who are in favor of the Brady approach and in favor of gun control. The National Coalition for Banned Handgun—recently renamed the Coalition Against Gun Violence—are on record as believing that criminals are not the issue. They believe handguns have no place in civilian hands. HCI Handcontrol, Inc. and others have announced intentions to sue police departments for ineffective checks or for not doing a check, even though the Brady bill does not mandate that there is a check. The only mandate is that there be a report to some central police authority. If Members can imagine that, suing the police department of this country after the police departments have already diverted people from patrolling the streets, instead to becoming record checkers.

Mr. Speaker, I will close with one quotation. It is a quote from David Koppel, an attorney and gun control expert who has written extensively on the issue of gun control. He says:

> The question is not whether a waiting period would save one life, but whether other uses of the police resources spent administering a waiting period might save more lives if used elsewhere.

Again, Mr. Speaker, what we are talking about is keeping guns out of the hands of criminals, those who break our laws. If people look at the facts, strip away the emotion, the American people support the concept embodied in the Staggers. I urge the Members of this House to support that concept next week.

WHO ARE THE REVISIONISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes.

Mr. SOLOMON. Mr. Speaker, Ronald Reagan's place in history was secure when he turned the Presidency over to George Bush 27 months ago.

But from the moment he waved goodbye on the steps of the helicopter to a grateful nation, the revisionists started sharpening their knives.

Who are the revisionists?

They're the rewriters of history.

They include Bryant Gumbel, Dan Rather, Haynes Johnson, and the other liberal hatchetmen, who are dedicated to smearing President Reagan's achievements.

To listen to them, the 8 years of Ronald Reagan were 8 years of misery.

You wouldn't know that the first of Ronald Reagan's two landslide elections happened because Jimmy Carter, probably the worst President of this century, was giving us a record-breaking misery index.

Double-digit inflation, double-digit unemployment, interest rates over 20 percent, and a proud military in shambles.

Yet, the revisionists are helping to resurrect the reputation of Jimmy Carter, anything to make Ronald Reagan look bad.

Thank God there are people like the respected publisher William Randolph Hearst, Jr., who are willing to tell the truth.

And a good example is this recent Hearst editorial, which I take great pleasure in reading for you.

CAMPAIGN SEEKS TO BESMIRCH REAGAN'S HISTORIC RECORD

NEW YORK.—I have a strong hunch that a systematic and high-powered campaign to discredit Ronald Reagan's record as president is currently in full swing.

Having twice failed to prevent his election by overwhelming margins—as well as the election of his chosen successor—liberal intellectuals and academics have, I suspect, set out to rewrite the history of the Reagan years and debunk his achievements in domestic and foreign affairs.

The outstandingly distasteful "biography" of Nancy Reagan by Kitty Kelley that was recently published is insignificant in itself. But it's part of the anti-Reagan offensive, employing character assassination as its weapon.

The Reagans are well able to defend themselves and need no help from me. My concern stems from a belief that the critics' target isn't really the former president, but the credo of conservative common sense he so firmly and, on the whole successfully upheld.

By maligning him, Reagan's detractors are out to convince the American public that conservative principles are bankrupt.

One tactic is to demean Reagan's leadership, as a group of some 500 American history professors did last week. In a poll, they ranked him among America's most "mediocre" presidents, only 10th from the bottom.

In my view, the poll tells more about the people making the judgment than it does about Reagan.

It is hard to understand how, if he "was not up to the job"—the verdict of these professors—the United States, just two years after he left office, could occupy a more dominant position in the world than it had for a long time.

The truth of the matter is that, among presidents in this century, only Theodore Roosevelt, Franklin Roosevelt and Harry Truman did as much to further American interests and influence the course of U.S. politics.

An accurate measure of Reagan's accomplishments can only be made by recalling conditions when he was elected in 1980. Unemployment stood at 9 percent. Inflation was 11 percent. Interest rates were an incredible 22 percent.

America's international standing had sunk to probably an all-time low, with our government helpless to do anything about the hostages held in the U.S. Embassy in Tehran.

As part of the current anti-Reagan campaign, he and his advisers are now being accused of "undermining" efforts to free the hostages in order to ensure his election. The allegation looks pretty thin, but any stick will do these days to beat Reagan with.

When he took office, the Soviets were winning the arms race, taking over Afghanistan and enjoying the spectacle of another procommunist regime, the Sandinistas in Nicaragua, seizing power in Latin America.

All of this happened under Jimmy Carter, whom the historians' poll puts ahead of Reagan in the presidential sweepstakes.

Reagan, let it be remembered, inherited a post-Vietnam and post-Watergate crisis of executive leadership.

Throughout his eight years, he had to beat off guerrilla warriors in Congress who tried to prevent him from reasserting co-equal authority as laid down by the Constitution.

In the end, in spite of some setbacks like the Iran Contra affair and the defeat of Robert Bork's nomination to the Supreme Court, he restored the presidency to its rightful position. He did it partly through his skill in mobilizing public opinion, unmatched by any president since FDR.

George Bush has reaped the benefits of this strengthened presidential prestige, as he has of much else that Reagan achieved.

Like most important and successful political leaders, Reagan has a strightforward program based on easily understood principles from which he hardly deviated.

He preached lower taxes in order to revive incentive as the motor of our economic system.

As a counterpoint to lower taxes, he sought to reduce entitlement spending. In this, he flopped because the Congress refused to cooperate.

He favored a strong dollar as politically and economically fitting for a great nation. He also saw that a strong dollar would compel American industry, which had grown flabby, to become genuinely competitive in world markets, instead of relying on a weak currency to help sell its products.

Reagan recognized that putting America back on top politically required restoring its badly damaged military credibility. As a result of his rearmament program, the Soviets were forced, once again, to take arms control negotiations seriously.

Reagan's insight led to the longest uninterrupted economic boom in our hsitory, as well as America's comeback as a major exporting country. His policies induced a radical change of direction by the Soviet Union under its new leader, Mikhail Gorbachev, causing it to abandon its grip on Eastern Europe and accept defeat in the Cold War.

Pierre Chaunu, a noted French historian who didn't participate in the poll mentioned above, called Reagan's record in foreign affairs "one of the great geo-political victories in history." I'd go along with that.

Naturally, every politician has blotches on his record. Reagan is no exception. But the anti-Raganites refuse to admit he did anything right.

The fundamental reason for their hostility can be traced to his unbending belief that, as the well known writer Midge Decter explained in a recent issue of Commentary magazine, citizens of a democracy should be "rewarded or penalized by their actual conduct," not on the basis of theoretical dogma with a deep collectivist bias.

Reagan is hated—as Margaret Thatcher in Britain is hated—for restoring the principle of individual responsibility, with everything it implies, to mainstream politics.

The knives are now out to destroy this potent idea by belittling Reagan's place in history.

I happen to think the American people are too sensible and fair-minded to let the anti-Reagan revisionists get away with it.

That's right, Mr. Speaker.

No matter how much intellectual muscle is brought in to twist the facts, the American people know better.

Ronald Reagan was a great President, in spite of the liberal press, and in spite of the far left academia.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WASHINGTON (at the request of Mr. GEPHARDT) for May 1 and May 2, on account of official business.

Mr. GALLO (at the request of Mr. MICHEL) for May 1 and May 2, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WALSH) to revise and extend their remarks and include extraneous material:)

Mr. CAMPBELL of California, for 60 minutes, today.

Mr. DREIER of California, for 60 minutes, on May 7, 8, 9, 13, 14, 15, 16, 20, 21, 22, and 23.

Mr. RHODES, for 60 minutes, on May 7.

Mrs. BENTLEY, for 60 minutes, on May 21, 22, 23, 28, 29, and 30.

Mr. SOLOMON, for 60 minutes, today and on May 2, 7, 8, and 9.

Mr. DELAY, for 5 minutes, today.

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. STAGGERS, for 60 minutes, today.

Mr. LIPINSKI, for 60 minutes, today.

Mr. ALEXANDER, for 5 minutes each day, on May 6 and 7.

Mr. LIPINSKI, for 5 minutes each day, on May 14, 21, and 28, and for 60 minutes each day on May 7, 8, 15, 22, and 29.

Mr. FALEOMAVAEGA, for 60 minutes, on May 2.

Mr. HUTTO for 30 minutes, on May 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALSH) and to include extraneous matter:)

Mr. DANNEMEYER in three instances.

Mr. CUNNINGHAM.

Mr. FISH.

Mr. SMITH of New Jersey.

Mr. CLINGER in two instances.

Mr. SUNDQUIST in two instances.

Mr. MICHEL in two instances.

Mr. PORTER.

Mr. DAVIS in two instances.

Mr. DUNCAN in three instances.

Mrs. BENTLEY in two instances.

Mr. SOLOMON.

Mr. LOWERY of California in four instances.

Mr. SHAW.

Mr. ARCHER in two instances.

Mr. CRANE in three instances.

Mr. COX. of California.

Mr. MOORHEAD in two instances.

Mr. BLILEY.

Ms. ROS-LEHTINEN.

Mr. GREEN of New York.

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Mr. ROYBAL.

Mr. LANTOS.

Mr. BONIOR.

Mr. KANJORSKI.

Mr. LAFALCE.

Mr. SOLARZ.

Mr. DYMALLY.

Ms. SLAUGHTER of New York.

Mr. MATSUI in two instances.

Ms. OAKAR.

Mr. FASCELL.

Mr. MAZZOLI.

Mr. REED.

Mr. PICKETT in two instances.

Mr. KOPETSKI.

Mr. PALLONE in three instances.

Mr. SMITH of Florida.

Mr. HAMILTON in 10 instances.

Mr. HUTTO.

Mr. DWYER of New Jersey.

Mr. TORRES in two instances.

Mr. YATRON.

Mrs. KENNELLY.

Mr. LEVINE of California.

Mr. TRAFICANT.

Mr. FAZIO.

Mr. BROWN.

Mr. SCHEUER.

Mr. ANNUNZIO.

Mrs. LLOYD in five instances.

Mr. DE LA GARZA in 10 instances.

ADJOURNMENT

Mr. FIELDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 39 minutes p.m.) the House adjourned until tomorrow, Thursday, May 2, 1991, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1180. A letter from the Deputy Director, Defense Research and Engineering, Department of Defense, transmitting notification of one additional fiscal year 1991 test project, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

1181. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting a letter concerning information on the lack of credit availability for sound borrowers and steps taken by regulators; to the Committee on Banking, Finance and Urban Affairs.

1182. A letter from the Executive Director, Federal Housing Finance Board, transmitting their annual enforcement report, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

1183. A letter from the President, Oversight Board and Executive Director, Resolution Trust Corporation, transmitting a report on the activities and efforts of the RTC, the Federal Deposit Insurance Corporation, and the Oversight Board for the 6-month period ending March 31, 1991, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Banking, Finance and Urban Affairs.

1184. A letter from the Secretary of Education, transmitting a notice of final funding priority for early education program for children with disabilities, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1185. A letter from the Secretary of Education, transmitting a notice of final annual evaluation priorities—special studies program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1186. A communication from the President of the United States, transmitting his justification for waiving legislative prohibitions on approval of United States origin exports to China for the AUSSAT communication and FREJA scientific satellite projects, pursuant to Public Law 101-246, section 902(b)(2) (104 Stat. 85), (Doc. No. 102-75); to the Committee on Foreign Affairs and ordered to be printed.

1187. A letter from the Acting Director, Office of Policy Development, Department of Justice, transmitting the annual report of activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1188. A letter from the Secretary, Federal Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1189. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Evidence as adopted by the Court, pursuant to 28 U.S.C. 2076 (Doc. No. 102-76); to the Committee on the Judiciary and ordered to be printed.

1190. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Civil Procedure and the Supplemental Rules for Certain Admiralty and Maritime Claims as adopted by the Court, pursuant to 28 U.S.C. 2072 (Doc. No. 102-77); to the Committee on the Judiciary and ordered to be printed.

1191. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Criminal Procedure as adopted by the Court, pursuant to 28 U.S.C. 2072; to the Committee on the Judiciary and ordered to be printed.

1192. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Appellate Procedure as adopted by the Court, pursuant to 28 U.S.C. 2072 (Doc. No. 102-79); to the Committee on the Judiciary and ordered to be printed.

1193. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure as adopted by the Court, pursuant to 28 U.S.C. 2075; to the Committee on the Judiciary and ordered to be printed.

1194. A letter from the Director, Judicial Conference of the United States, transmitting recommendations for the uniform percentage adjustment of each dollar amount specified in title 11 regarding bankruptcy administration and in 28 U.S.C. 1930 with respect to bankruptcy fees, pursuant to 11 U.S.C. 104 note; to the Committee on the Judiciary.

1195. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act to authorize appropriations for fiscal years 1992 and 1993; to the Committee on Merchant Marine and Fisheries.

1196. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting a draft of proposed legislation to extend authorization of appropriations for the U.S. Office of Special Counsel, and for other purposes; to the Committee on Post Office and Civil Service.

1197. A letter from the Chairman, Architectural and Transportation Barriers Compliance Board, transmitting the Board's annual report of its activities during fiscal year 1990, pursuant to 29 U.S.C. 792; jointly, to the Committees on Education and Labor and Public Works and Transportation.

1198. A letter from the Comptroller General of the United States, transmitting the audit of the statement of financial position of the Congressional Award Foundation as of December 31, 1989; jointly, to the Committees on Government Operations and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. Report of the Committee on Veterans' Affairs, pursuant to section 302(b) of the Congressional Budget Act of 1974 (Rept. 102–46). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TOWNS:

H.R. 2157. A bill to require the National Collegiate Athletic Association to provide due process in connection with its regulatory activities affecting coaches, players, and institutions engaged in sports in interstate commerce; to the Committee on Education and Labor.

By Mr. ARCHER:

H.R. 2158. A bill to amend title II of the Social Security Act to eliminate the retirement earnings test at ages above retirement age, to increase accordingly the delayed retirement credit rate, to exclude from benefit computations post-entitlement earnings in years following retirement age, to provide for annual adjustments in the adjustment factor for early retirement, and to authorize for 5 years appropriations of resulting revenue increases to the Federal Old-Age and Survivors Insurance Trust Fund; to the Committee on Ways and Means.

H.R. 2159. A bill to amend the Social Security Act to improve review procedures (particularly those involved in the disability determination process) under the OASDI, SSI, and Medicare Programs by making such procedures more cost-effective and by providing greater equity and efficiency for claimants and beneficiaries; jointly, to the Committees on Ways and Means and Post Office and Civil Service.

By Mr. KOLTER:

H.R. 2160. A bill to require the Board of Governors of the Federal Reserve System to develop a design for Federal Reserve notes in the denominations of $5, $10, $20, $50, and $100, and a method for producing such notes, that includes the designation of the denomination in braille on the face of the notes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BLILEY:

H.R. 2161. A bill to amend the Communications Act of 1934 to require radio and television broadcasters to provide free broadcasting time for political advertising; to the Committee on Energy and Commerce.

By Mr. BROWN (for himself and Mr. SCHUMER):

H.R. 2162. A bill to impose certain restrictions on the contracts of the National Aeronautics and Space Administration, to provide for a study of the use of waiver of negligence liability provisions in Government contracts, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Government Operations.

By Mr. CARDIN:

H.R. 2163. A bill to provide for the duty-free entry of rail passenger cars and parts imported for the use of certain public agencies; to the Committee on Ways and Means.

By Mr. CARPER (for himself, Mr. JOHNSON of South Dakota, Mr. ARMEY, Mr. BENNETT, Mr. BRUCE, Mr. BURTON of Indiana, Mr. CAMPBELL of Colorado, Mr. CARDIN, Mr. CHANDLER, Mr. COOPER, Mr. DEFAZIO, Mr. DORGAN of North Dakota, Mr. HAMILTON, Mr. HUTTO, Mrs. JOHNSON of Connecticut, Mr. KLECZKA, Ms. LONG, Mr. LANCASTER, Mr. MCMILLEN of Maryland, Mr. MILLER of Washington, Mr. OWENS of Utah, Mrs. PATTERSON, Mr. PENNY, Mr. PETRI, Mr. RAMSTAD, Mr. RIDGE, Mr. ROWLAND, Mr. SHAYS, Mr. SLATTERY, Mr. STENHOLM, Mr. TALLON, Mr. VISCLOSKY, Mr. WILSON, and Mr. ZIMMER):

H.R. 2164. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to establish procedures for the expedited consideration by the Congress of certain proposals by the President to rescind amounts of budget authority; jointly to the Committees on Government Operations and Rules.

By Mr. DAVIS:

H.R. 2165. A bill to provide a uniform definition for the term U.S. vessel, and for other purposes; to the Committee on the Judiciary.

H.R. 2166. A bill to improve the management and law enforcement capabilities of the Coast Guard, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, the Judiciary, Public Works and Transportation, and Ways and Means.

By Mr. DICKS:

H.R. 2167. A bill to provide that an individual convicted of murder in connection with any death shall not be entitled by reason of such death to health insurance under the continuation of coverage requirements applicable to group health plans; to the Committee on Ways and Means.

By Mr. FASCELL (for himself, Mr. BROOMFIELD, Mr. UDALL, Mr. BERMAN, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. SAWYER, Mr. FOGLIETTA, Mr. HYDE, Ms. SNOWE, Mr. GALLEGLY, and Mr. GOSS):

H.R. 2168. A bill to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal years 1992 and 1993, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FAZIO:

H.R. 2169. A bill to provide for the repayment of the costs of water pumps purchased by the San Juan Suburban Water District by the Secretary of the Interior; to the Committee on Interior and Insular Affairs.

By Mr. FORD of Tennessee:

H.R. 2170. A bill to extend until September 30, 1992, the existing suspensions of duty on iohexol and iopamidol; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 2171. A bill to amend the Higher Education Act of 1965 to require lenders of student loans to notify borrowers of any assignment or transfer of their loans, and for other purposes; to the Committee on Education and Labor.

By Mr. GUARINI (for himself, Mr. ANTHONY, Mr. SUNDQUIST, Mr. DWYER of New Jersey, Mr. SERRANO, and Mrs. MINK):

H.R. 2172. A bill to amend the Internal Revenue Code of 1986 to treat recycling facilities as exempt facilities under the tax-exempt bond rules, and for other purposes; to the Committee on Ways and Means.

By Mr. HOCHBRUECKNER:

H.R. 2173. A bill to amend title 10, United States Code, to establish a research and education program in the Department of Defense regarding Lyme disease; to the Committee on Armed Services.

By Mrs. KENNELLY:

H.R. 2174. A bill to amend title XIX of the Social Security Act to improve coverage of nursing facility services under the Medicaid Program and to amend the Internal Revenue Code of 1986 to clarify the tax treatment of long-term care insurance; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. KLECZKA (for himself, Mr. GONZALEZ, Mr. SANDERS, Mr. ANNUNZIO, Mr. BARNARD, Mr. TORRES, Mr. BEREUTER, and Mr. MORAN):

H.R. 2175. A bill to amend the Export-Import Bank Act of 1945 to narrow the circumstances under which the Export-Import Bank of the United States may participate in financing the sale of defense articles or services to foreign countries, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. NEAL of Massachusetts:

H.R. 2176. A bill to amend the Federal Deposit Insurance Act to modify deposit insurance coverage for depository institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PETERSON of Minnesota (for himself, Mr. TOWNS, Mr. ORTON, Mr. SABO, Mr. OBERSTAR, Mr. RIGGS, and Mr. RAMSTAD):

H.R. 2177. A bill to amend the Internal Revenue Code of 1986 to allow individuals to direct that part or all of their Federal income tax refunds be contributed to programs for

the protection and preservation of nongame fish and wildlife; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 2178. A bill to amend the Internal Revenue Code of 1986 and title II of the Social Security Act to reduce Social Security taxes and to provide for the establishment of individual Social Security retirement accounts funded by payroll deductions and employer contributions equal to the amount of the tax reduction; to the Committee on Ways and Means.

By Mr. RAY (for himself, Mr. FAZIO, and Mr. MATSUI):

H.R. 2179. A bill to amend provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 relating to Federal property transferred by Federal agencies; jointly, to the Committees on Energy and Commerce and Armed Services.

By Mr. ROYBAL:

H.R. 2180. A bill to amend title 18, United States Code, to provide civil and criminal forfeitures for mail and wire fraud, and to compensate victims of those offenses; to the Committee on the Judiciary.

By Mr. SAWYER:

H.R. 2181. A bill to permit the Secretary of the Interior to acquire by exchange lands in the Cuyahoga National Recreation Area that are owned by the State of Ohio; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER:

H.R. 2182. A bill for the relief of certain persons having claims against the United States for damage to the MV *Iver Chaser* resulting from the explosion of a mine in the territorial waters of Nicaragua; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. PETERSON of Florida, and Mr. SMITH of Florida):

H.R. 2183. A bill to authorize the Secretary of Transportation to carry out a highway demonstration project for construction of a tunnel to replace the 17th Street Causeway Bridge in Fort Lauderdale, FL; to the Committee on Public Works and Transportation.

By Mr. SMITH of Florida:

H.R. 2184. A bill to amend title 28, United States Code, to allow for jury trials in tort actions against the United States involving death or serious bodily injury; to the Committee on the Judiciary.

By Mr. SMITH of Oregon:

H.R. 2185. A bill to compensate owners for the diminution in value of their property as a result of Federal actions under certain laws, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Interior and Insular Affairs.

By Mr. SMITH of Texas:

H.R. 2186. A bill to amend the Federal Election Campaign Act of 1971 to provide that multicandidate political committee contributions to a candidate in a Senate or House of Representatives election may constitute only one-third of the total of contributions accepted by the candidate; to the Committee on House Administration.

By Mr. SOLOMON:

H.R. 2187. A bill to amend section 620(f) of the Foreign Assistance Act of 1961 (relating to the prohibition on assistance to Communist countries) and to require certain reports with respect to Communist countries receiving United States humanitarian disaster relief assistance; to the Committee on Foreign Affairs.

By Mr. SOLOMON (for himself, Mr. MARKEY, Mr. ROSE, and Mr. SCHULZE):

H.R. 2188. A bill to deny the People's Republic of China most-favored-nation trade treatment; to the Committee on Ways and Means.

By Mr. STENHOLM (for himself, Mr. GUNDERSON, Mr. DE LA GARZA, Mr. COLEMAN of Missouri, Mr. STALLINGS, Mr. KOPETSKI, Mr. SARPALIUS, Mr. PENNY, Mr. STAGGERS, Mr. PETERSON of Minnesota, Mr. CAMPBELL of Colorado, Mr. HOPKINS, Mr. BOEHNER, Mr. ROBERTS, Mr. KLUG, Mr. OLIN, and Mr. JOHNSON of South Dakota):

H.R. 2189. A bill to clarify the status of certain refunds under the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. STUDDS:

H.R. 2190. A bill to prohibit the operation of a nuclear power plant for which the Federal Emergency Management Agency has determined the offsite emergency preparedness are inadequate; to the Committee on Interior and Insular Affairs.

By Mr. WALKER:

H.R. 2191. A bill to direct the Secretary of Health and Human Services to treat physicians' services furnished in Lancaster County, PA, as services furnished in a number II locality for purposes of determining the amount of payment for such services under part B of the Medicare Program; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. DANNEMEYER (for himself, Mr. DORNAN of California, Mr. RHODES, Mr. FIELDS, Mr. SMITH of Texas, Mr. DUNCAN, Mr. BUNNING, Mr. MCCRERY, Mr. HUNTER, Mr. MOORHEAD, Mr. HYDE, Mr. SMITH of New Jersey, Mr. KYL, Mr. ROHRABACHER, Mr. DELAY, Mr. INHOFE, Mr. LIPINSKI, Mr. EMERSON, Mr. PACKARD, Mr. ARMEY, and Mr. SOLOMON):

H.J. Res. 240. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary prayer in public schools; to the Committee on the Judiciary.

By Ms. SLAUGHTER of New York (for herself, Mr. MILLER of California, Mr. APPLEGATE, Mr. BEILENSON, Mr. BERMAN, Mr. BILBRAY, Mr. BONIOR, Mrs. BOXER, Mr. BROWN, Mr. CALLAHAN, Mr. COLEMAN of Texas, Mrs. COLLINS of Illinois, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. ERDREICH, Mr. ESPY, Mr. FALEOMAVAEGA, Mr. FUSTER, Mr. GALLO, Mr. GONZALEZ, Mr. GUARINI, Mr. HALL of Ohio, Mr. HARRIS, Mr. HAYES of Illinois, Mr. HORTON, Mr. HUGHES, Mr. HYDE, Mr. JACOBS, Mr. JONTZ, Ms. KAPTUR, Mrs. KENNELLY, Mr. KLECZKA, Mr. LAFALCE, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LONG, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCNULTY, Mr. MARTIN, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Mr. MOAKLEY, Mr. MOLLOHAN, Mrs. MORELLA, Mr. NATCHER, Mr. NEAL of Massachusetts, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PANETTA, Ms. PELOSI, Mr. PICKETT, Mr. POSHARD, Mr. PRICE, Mr. QUILLEN, Mr. RAHALL, Mr. ROE, Mrs. ROUKEMA, Mr. SANGMEISTER, Mr. SCHEUER, Mr. SERRANO, Mr. SKEEN, Mr. SMITH of Florida, Mr. SMITH of Oregon, Mr. TOWNS, Mr. TRAXLER, Mrs. UNSOELD, Mr. VANDER JAGT, Mr. WAXMAN, Mr. WEISS, Mr. WHITTEN, Mr. WOLF, Mr. YATES, Mr. LAGOMARSINO, Mr. HERTEL, Mr. PURSELL, Mr. LANCASTER, Mr. MOODY, Mr. FOGLIETTA, Mr. STUDDS, Mr. ASPIN, and Mr. FAZIO):

H.J. Res. 241. A joint resolution designating October 1991, as "National Domestic Violence Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of Utah (for himself, Mr. HANSEN, and Mr. ORTON):

H. Con. Res. 142. Concurrent resolution extending an invitation to the International Olympic Committee to hold the 1998 winter Olympic games in Salt Lake City, UT, and pledging the cooperation and support of the Congress of the United States; to the Committee on Foreign Affairs.

By Mr. PALLONE:

H. Res. 140. Resolution calling on the Soviet Union to take certain actions with regard to lasting effects of the nuclear accident at Chernobyl; to the Committee on Foreign Affairs.

By Mr. SAXTON:

H. Res. 141. Resolution to amend the Rules of the House of Representatives to require a three-fifths majority vote on passage of any bill, amendment, or conference report that increases revenues, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

97. The SPEAKER presented a memorial of the Senate of the State of Indiana, relative to the passage of S. 153; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SOLARZ:

H.R. 2192. A bill to renew patent numbered 3,387,268, relating to a quotation monitoring unit, for a period of 10 years; to the Committee on the Judiciary.

By Mr. STENHOLM:

H.R. 2193. A bill for the relief of Elizabeth M. Hill; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mrs. COLLINS of Michigan.

H.R. 12: Mr. LENT and Mr. ABERCROMBIE.

H.R. 19: Mr. STOKES.

H.R. 66: Mr. BEREUTER, Mrs. LOWEY of New York, Mr. SWETT, Ms. ROS-LEHTINEN, Mr. LEVINE of California, Mr. FASCELL, Mr. ORTON, Mr. WYDEN, Mr. LANTOS, Mr. RAMSTAD, Mr. STARK, and Mr. DIXON.

H.R. 114: Mr. OWENS of New York, Mr. JONTZ, Ms. KAPTUR, Mr. MCNULTY, Mr. TOWNS, Mr. FROST, Mr. PALLONE, Mr. DELLUMS, Mr. PERKINS, and Mr. MFUME.

H.R. 116: Mr. MFUME.

H.R. 127: Mr. TRAFICANT, Mr. LAROCCO, Mrs. UNSOELD, Mr. ANDERSON, Mr. JONES of Georgia, Mr. GAYDOS, Mr. KLUG, Mr. MORAN, Mr. RIGGS, Mr. LEWIS of California, Mr. HUNTER, Mr. COOPER, and Mr. MARTINEZ.

H.R. 142: Mr. COBLE.

H.R. 173: Ms. LONG.

H.R. 246: Mr. RAMSTAD and Mr. CAMPBELL of California.

H.R. 249: Mr. ENGEL.

H.R. 393: Mr. RINALDO, Mr. ROE, and Mr. PETERSON of Minnesota.

H.R. 394: Mr. ABERCROMBIE, Mr. BOEHNER, Mr. HERTEL, Mr. KENNEDY, Mr. SANDERS, Mr. HAMMERSCHMIDT, Ms. OAKAR, and Mr. BILBRAY.

H.R. 404: Mr. EMERSON and Mr. STUMP.

H.R. 418: Mr. BACCHUS and Mr. ESPY.

H.R. 441: Mr. CAMPBELL of Colorado, Mr. MFUME, Mr. KENNEDY, and Mr. SCHEUER.

H.R. 461: Mr. TALLON and Mr. POSHARD.

H.R. 467: Mrs. MORELLA, Mr. LANCASTER, Mr. FASCELL, and Mr. SLATTERY.

H.R. 473: Mr. DOOLITTLE.

H.R. 481: Ms. SLAUGHTER of New York.

H.R. 507: Mr. EMERSON.

H.R. 519: Mr. DORNAN of California.

H.R. 524: Mr. RICHARDSON and Mr. MORAN.

H.R. 543: Mr. COYNE, Ms. PELOSI, Mr. STARK, Mr. LAFALCE, Mr. KOSTMAYER, Mr. ABERCROMBIE, Mr. HORTON, Mr. SCHEUER, Mr. MARTINEZ, Mr. LANCASTER, Mr. MILLER of California, Mr. JONTZ, Mr. EDWARDS of California, Mr. DELLUMS, Ms. KAPTUR, Mr. JEFFERSON, Mr. DE LUGO, Mr. FAWELL, and Mr. SMITH of Florida.

H.R. 559: Ms. SNOWE.

H.R. 585: Mr. SOLARZ, Ms. HORN, Mr. ENGEL, Mr. HARRIS, and Mr. VALENTINE.

H.R. 592: Mr. ERDREICH.

H.R. 664: Mr. STUMP, Mr. KYL, and Mr. RHODES.

H.R. 791: Mr. JACOBS.

H.R. 827: Mr. ENGEL, Mr. MOORHEAD, and Mr. SAXTON.

H.R. 886: Mr. FRANK of Massachusetts.

H.R. 917: Mr. DORGAN of North Dakota, Mr. CRAMER, Mr. GEKAS, Mr. VANDER JAGT, Mr. SANGMEISTER, and Mr. CAMP.

H.R. 919: Mr. LEWIS of Florida.

H.R. 924: Mrs. BYRON, Mr. JONTZ, Mr. SCHIFF, and Mr. LANCASTER.

H.R. 951: Mr. MILLER of Washington, Mr. QUILLEN, Mr. CAMP, Ms. KAPTUR, Mr. REED, Mr. DANNEMEYER, Mr. HUNTER, and Mrs. VUCANOVICH.

H.R. 967: Mr. ZIMMER, Mr. CAMPBELL of California, Mr. CHANDLER, and Mr. LEACH.

H.R. 978: Mr. PALLONE, Mr. BONIOR, Mrs. LOWEY of New York, and Mr. MOODY.

H.R. 992: Mr. COSTELLO.

H.R. 997: Mr. DONNELLY.

H.R. 1020: Mr. HUNTER.

H.R. 1059: Mr. ECKART and Mr. HERTEL.

H.R. 1079: Mr. ROSE, Mr. ALEXANDER, and Mr. WISE.

H.R. 1080: Mr. BONIOR, Mr. JEFFERSON, Mr. HERGER, and Ms. SNOWE.

H.R. 1093: Mr. JEFFERSON, Mr. SCHEUER, and Mr. SIKORSKI.

H.R. 1132: Mr. BUNNING, Mr. VANDER JAGT, and Mrs. KENNELLY.

H.R. 1135: Mr. CLEMENT.

H.R. 1147: Mr. SENSENBRENNER, Mr. TRAXLER, Mr. SHAW, Mr. DAVIS, Mr. YATRON, Mr. BAKER, Mr. BONIOR, Mr. FORD of Michigan, Mr. ZELIFF, and Mr. SAXTON.

H.R. 1168: Mr. CHANDLER, Mr. GOSS, and Mr. STARK.

H.R. 1177: Mr. SPRATT, Mr. EVANS, Mr. ROYBAL, and Mr. STUDDS.

H.R. 1277: Mr. WILSON, Mr. HUNTER, Mr. GOODLING, Ms. ROS-LEHTINEN, Mr. RAHALL, Mr. FISH, Mr. JONES of Georgia, Mr. SENSENBRENNER, Mr. GORDON, Mr. BAKER, Mr. RAVENEL, Mr. NUSSLE, Mr. VANDER JAGT, Mr. SOLOMON, Mr. HENRY, Mr. ESPY, Mr. DREIER of California, Ms. NORTON, Mr. MORAN, Mr. JEFFERSON, and Mrs. ROUKEMA.

H.R. 1370: Mr. HUGHES, Mr. LAGOMARSINO, Mr. REED, Mr. GILCHREST, Mr. MARKEY, Mr. GEJDENSON, Mr. MAVROULES, Mrs. UNSOELD, Mr. FRANK of Massachusetts, Mr. SWIFT, Mr. BRUCE, Mr. YOUNG of Alaska, Mr. CARDIN, Mr. MILLER of Washington, Mr. MCHUGH, Mr. MCDERMOTT, and Mr. IRELAND.

H.R. 1412: Mr. TAUZIN.

H.R. 1439: Mr. MARLENEE.

H.R. 1467: Mr. DWYER of New Jersey, Ms. DELAURO, Ms. NORTON, Mr. MAVROULES, Mr. VALENTINE, Mr. MILLER of Ohio, Mr. EDWARDS of California, Mr. WHEAT, Mr. ORTON, Mrs. BYRON, Mr. ANNUNZIO, and Mr. DIXON.

H.R. 1468: Mr. BURTON of Indiana, Mr. ARMEY, Mr. TAUZIN, Mr. MARLENEE, Mr. ANNUNZIO, and Mr. HEFLEY.

H.R. 1469: Mr. CLEMENT, Mr. MACHTLEY, Mr. JEFFERSON, Mr. HUGHES, Mr. LANCASTER, and Mr. RAY.

H.R. 1473: Mr. BEREUTER, Mr. EMERSON, and Mr. SANDERS.

H.R. 1474: Mr. INHOFE and Mr. MOORHEAD.

H.R. 1497: Mr. TAUZIN, Mr. ENGLISH, Mr. DEFAZIO, Mr. LEACH, and Mr. ESPY.

H.R. 1501: Mr. VANDER JAGT.

H.R. 1504: Mr. REED and Mrs. LOWEY of New York.

H.R. 1516: Mr. MCCLOSKEY, Mr. SOLOMON, Mr. CAMPBELL of Colorado, Mr. EMERSON, Mr. DARDEN, Mr. RAVENEL, Mr. GORDON, Mr. LANCASTER, Mr. MCCRERY, and Mr. GLICKMAN.

H.R. 1528: Mr. SMITH of Texas.

H.R. 1559: Mr. CARDIN, Mr. MATSUI, Mr. BERMAN, Mrs. MORELLA, Mr. FASCELL, Mr. BEILENSON, Mr. ACKERMAN, Mr. LIPINSKI, Mr. STUDDS, Mr. LEHMAN of Florida, Mr. KENNEDY, and Mr. FRANK of Massachusetts.

H.R. 1573: Mr. BEREUTER, Mr. VALENTINE, Mr. ENGLISH, Mr. STAGGERS, Mr. DICKINSON, Mr. ABERCROMBIE, Mr. JENKINS, Mr. LANCASTER, Mr. HUCKABY, and Mr. DYMALLY.

H.R. 1593: Mrs. BOXER, Ms. KAPTUR, Mr. CHAPMAN, Mr. FASCELL, Mr. SYNAR, Mr. ROEMER, Mr. PETERSON of Minnesota, Mrs. UNSOELD, and Mr. LANCASTER.

H.R. 1599: Mr. BROOMFIELD.

H.R. 1652: Mr. CAMPBELL of California and Mr. OWENS of Utah.

H.R. 1718: Mr. PETERSON of Minnesota.

H.R. 1723: Mr. DE LUGO, Mr. PALLONE, and Mr. ESPY.

H.R. 1725: Mr. WOLPE, Mr. ECKART, Mr. TORRES, Mr. SERRANO, Mr. GEPHARDT, Mr. FROST, Mr. HARRIS, and Mr. KOSTMAYER.

H.R. 1726: Mr. MRAZEK, Mr. KOPETSKI, Mrs. MINK, Mr. ZIMMER, and Mr. BEVILL.

H.R. 1730: Mr. HENRY, Mr. WOLPE, Mr. SENSENBRENNER, Mr. BROOMFIELD, Mr. VANDER JAGT, Mr. TRAXLER, Mr. DAVIS, Mr. FORD of Michigan, Mrs. MORELLA, Mr. BROWN, Mr. BONIOR, Mr. ZELIFF, Mr. ENGEL, Mr. HERTEL, Mr. GALLO, Mr. PURSELL, and Mr. HOCHBRUECKNER.

H.R. 1733: Mr. PEASE and Mr. LANCASTER.

H.R. 1753: Mr. BORSKI, Mr. ECKART, Mr. FASCELL, Mr. GEREN of Texas, Mr. LIPINSKI, and Mr. SANTORUM.

H.R. 1755: Mr. LEWIS of Florida, Mr. COMBEST, Mr. TAUZIN, Mr. OXLEY, Mr. RAMSTAD, and Mr. HERGER.

H.R. 1770: Mr. GONZALEZ and Mr. HOYER.

H.R. 1790: Mr. DWYER of New Jersey, Mr. JACOBS, Mrs. BOXER, Mr. OWENS of Utah, Mr. GLICKMAN, Mr. PAXON, and Mr. SHARP.

H.R. 1801: Mrs. BENTLEY and Mrs. MORELLA.

H.R. 1802: Mr. LANCASTER.

H.R. 1820: Mr. FOGLIETTA, Mr. GORDON, Mr. HOYER, Mr. DWYER of New Jersey, Mr. KOPETSKI, Mr. DYMALLY, Ms. KAPTUR, Mr. JEFFERSON, Mr. KENNEDY, Mr. ALEXANDER, and Mr. RAVENEL.

H.R. 1822: Mr. FISH and Mr. JONES of Georgia.

H.R. 1870: Mr. KOSTMAYER.

H.R. 1889: Mr. BUSTAMANTE and Mr. FAWELL.

H.R. 1900: Mr. PURSELL, Mr. HENRY, Mr. VANDER JAGT, Mr. WOLPE, Mr. TRAXLER, Mr. FORD of Michigan, Mr. DAVIS, Mr. BONIOR, and Mr. CARR.

H.R. 1970: Mr. KENNEDY, Mr. POSHARD, Mr. SCHEUER, Mr. BROWN, Mr. EVANS, Mr. FAZIO, Mr. SKAGGS, Mr. GEREN of Texas, and Mr. STARK.

H.R. 2008: Mr. RIGGS, Mr. ROGERS, and Mr. WEBER.

H.R. 2056: Mr. STARK and Mr. JEFFERSON.

H.R. 2063: Mr. RITTER, Mr. OWENS of New York, Mr. SAVAGE, and Mr. LIPINSKI.

H.R. 2081: Mr. DORNAN of California.

H.J. Res. 2: Mr. GOSS.

H.J. Res. 5: Mr. COX of California, Mr. WOLF, Mr. ROTH, and Mr. MILLER of Washington.

H.J. Res. 23: Mr. CHAPMAN, Mr. EVANS, Mr. NATCHER, Mr. PRICE, Mr. WOLPE, Mr. YOUNG of Florida, Mr. FORD of Michigan, Mr. HALL of Ohio, Mr. ENGEL, Mr. HERTEL, and Mr. GILLMOR.

H.J. Res. 27: Mr. RAMSTAD.

H.J. Res. 87: Mr. MARKEY.

H.J. Res. 109: Mr. ANDREWS of New Jersey, Mr. ANDREWS of Maine, Mr. BRUCE, Mr. COBLE, Mr. COX of California, Mr. GRAY, Mr. KASICH, Mr. KOPETSKI, Mr. MCEWEN, Mr. MOLLOHAN, Mr. MORAN, Mr. NEAL of North Carolina, Mr. NICHOLS, Mr. PETERSON of Minnesota, Mr. REED, Mr. SKEEN, and Mr. SMITH of Iowa.

H.J. Res. 122: Mr. LUKEN.

H.J. Res. 138: Mr. CAMP, Mr. MORAN, Mr. MURTHA, Mr. VENTO, Mr. RITTER, and Mr. KANJORSKI.

H.J. Res. 141: Mr. ALEXANDER, Mr. GRAY, Mrs. MINK, Mr. RICHARDSON, Mr. MCCOLLUM, Mr. FORD of Tennessee, Mr. OWENS of New York, Mr. MONTGOMERY, Mr. MCHUGH, Mr. MCCLOSKEY, Mr. LEHMAN of Florida, Mr. VENTO, Mr. WYLIE, Mr. CLINGER, Mr. RITTER, Mr. DORNAN of California, Mr. DELLUMS, Mr. BURTON of Indiana, Mr. BRYANT, Mr. HASTERT, Mr. EVANS, Mr. MORAN, Mr. NEAL of Massachusetts, Mr. HUTTO, Mr. YOUNG of Florida, Mr. WOLF, and Mr. SAWYER.

H.J. Res. 180: Mr. ARCHER, Mr. BURTON of Indiana, Mr. BRUCE, Mr. EMERSON, Mr. FUSTER, Mr. GONZALEZ, Mr. HOCHBRUECKNER, Mrs. JOHNSON of Connecticut, Mr. KASICH, Mrs. LOWEY of New York, Mr. MATSUI, Mr. MFUME, Mr. MORAN, Mr. RITTER, and Mr. WALSH.

H.J. Res. 181: Mr. ACKERMAN, Mr. BONIOR, Mr. CAMP, Mr. COLEMAN of Texas, Mr. HAMMERSCHMIDT, Mr. MCCOLLUM, Mr. MILLER of California, Mr. MORAN, Mr. PANETTA, Mr. ROEMER, Mr. SERRANO, Mr. SOLARZ, Mr. WISE, Mr. YOUNG of Alaska, and Mr. RITTER.

H.J. Res. 191: Mr. HYDE, Mr. WILSON, Mr. KLUG, Ms. SLAUGHTER of New York, Mr. POSHARD, Mr. RIGGS, Mr. KOPETSKI, Ms. SNOWE, Mr. LANCASTER, Mr. FALEOMAVAEGA, and Mr. GILMAN.

H.J. Res. 196: Mr. MCCLOSKEY, Mr. DEFAZIO, and Mr. JEFFERSON.

H.J. Res. 217: Mr. WOLF, Mr. ALEXANDER, Mr. APPLEGATE, Mr. BARNARD, Mr. BENNETT, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BLILEY, Mr. BOUCHER, Mrs. BOXER, Mr. CAMP, Mr. CLEMENT, Mr. COBLE, Mr. COLEMAN of Texas, Mr. CONYERS, Mr. COSTELLO, Mr. CRAMER, Mr. DAVIS, Mr. DE LUGO, Mr. DICKS, Mr. DONNELLY, Mr. DREIER of California, Mr. DWYER of New Jersey, Mr. ESPY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FASCELL, Mr. FUSTER, Mr. GREEN of New York, Mr. HARRIS, Mr. HYDE, Mr. JONTZ, Ms. KAPTUR, Mr. KLUG, Mr. LEHMAN of Florida, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. POSHARD, Mr. RAMSTAD, Mr. RANGEL, Mr. ROGERS, Mr. ROYBAL, Mr.

SANGMEISTER, Mr. SAVAGE, Mr. SCHAEFER, Mr. SCHEUER, Mr. SCHUMER, Mr. SERRANO, Mr. SKELTON, Mr. SLATTERY, Ms. SLAUGHTER of New York, Mr. SMITH of New Jersey, Mr. SOLARZ, Mr. SOLOMON, Mr. SPRATT, Mr. STAGGERS, Mr. STARK, Mr. STENHOLM, Mr. TAUZIN, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mrs. UNSOELD, Mr. VALENTINE, Mr. VANDER JAGT, Mr. WALSH, Mr. WAXMAN, Mr. WELDON, Mr. WILSON, Mr. WOLPE, and Mr. WYDEN.

H.J. Res. 219: Mr. MCGRATH, Mr. OWENS of New York, Mr. MORRISON, Mr. MONTGOMERY, Mr. MATSUI, Mrs. MORELLA, Mr. NATCHER, Mr. GEKAS, Mr. COYNE, Mr. SLATTERY, Mr. HOYER, Mr. EMERSON, Mr. YATRON, Mr. OWENS of Utah, Mr. FUSTER, Mr. VENTO, Ms. NORTON, Ms. PELOSI, Mr. RAMSTAD, Mrs. MEYERS of Kansas, Mr. NEAL of Massachusetts, and Mr. CONYERS.

H.J. Res. 232: Mr. WOLPE, Mr. WILSON, Mr. WALSH, Mr. ESPY, Mr. MCDADE, Mr. GEREN of Texas, Mr. GILMAN, and Mr. GALLEGLY.

H. Con. Res. 30: Mr. HATCHER.

H. Con. Res. 63: Mr. ROYBAL and Mr. DANNEMEYER.

H. Con. Res. 65: Mr. GALLO, Mr. ROYBAL, Mr. DANNEMEYER, and Mr. PAYNE of New Jersey.

H. Con. Res. 96: Mr. STUMP.

H. Con. Res. 128: Mr. BILBRAY.

H. Con. Res. 133: Mr. SCHEUER, Mr. BORSKI, and Mr. FROST.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1080: Mrs. VUCANOVICH.

H.R. 1412: Mr. WALSH.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1988

By Mr. TORRICELLI:

—Page 3 Lines 16 through 19, strike paragraph (8), and insert in lieu thereof, the following paragraph:

(8) the United States should maintain the current policies which prohibit the use of foreign launch capabilities for United States Government satellites, and require a waiver from the President to exempt a launch from this policy. Such exemptions should only be granted upon a Presidential finding that the following two conditions are met: (i) the needed launch capabilities do not exist in the United States and United States industry would not be harmed, and (ii) program benefits would accrue. Where foreign launchers are used, their use should be conditional on reciprocity from the foreign government in willingness to use United States launchers;

Add the following new paragraph (9):

(9) the United States should attain the capability to launch medium-sized payloads in the 10,000- to 15,000-pound range into polar orbit from the West Coast;

Redesignate subsequent paragraphs accordingly.